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प्राधिकार से प्रकाशित
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सं. 42] नई दिल्ली, अक्टूबर 26—नवम्बर 1, 2025, शनिवार/कार्तिक 4—कार्तिक 10, 1947
No. 42] NEW DELHI, OCTOBER 26—NOVEMBER 1, 2025, SATURDAY/KARTIKA 4—KARTIKA 10, 1947

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत और पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)
नई दिल्ली, 24 अक्टूबर, 2025

का.आ. 1873.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उत्तराखंड राज्य सरकार की अधिसूचना सं. 621/XX (4)-2025-ई-93192, देहरादून, दिनांक 03.10.2025, गृह खंड-4 के माध्यम से जारी सम्मति से, थाना रायपुर, जिला देहरादून, उत्तराखंड में उत्तराखंड प्रतियोगी परीक्षा (भर्ती में अनुचित साधनों की रोकथाम व निवारण के उपाय) अधिनियम, 2023 की धारा 11(1), 11(2), 12(2), 12(3) के अंतर्गत पंजीकृत 2025 का मामला अपराध सं. 301 में ऊपर उल्लिखित अपराध और उक्त मामले में उसी संव्यवहार में कारित अथवा/और उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त उत्तराखंड राज्य में करती है।

[फा. सं. 228/85/2025-एवीडी-II]
सत्यम श्रीवास्तव, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**(Department of Personnel and Training)**

New Delhi, the 24th October, 2025

S.O. 1873.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttarakhand, issued vide Notification No. 621/XX (4)-2025-E-93192, Dehradun, dated: 03.10.2025, Home Section-4, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttarakhand for the investigation of case Crime No. 301 of 2025 u/s 11(1), 11(2), 12(2), 12(3) The Uttarakhand Competitive Examination (Measures for Control And Prevention of Unfair Means In Recruitment) Act, 2023 registered at Police Station Raipur, Distt. Dehradun, Uttarakhand the above mentioned offence and any other offence or offences committed in the course of the same transaction or/and arising out of the same facts of the said case.

[F. No. 228/85/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

इस्पात मंत्रालय

नई दिल्ली, 29 सितम्बर, 2025

का.आ. 1874.—केंद्रीय सरकार एतद्वारा, पेट्रोलियम और खनिज पाइपलाइन (भूमि उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में, नीचे दी गई सारणी के कॉलम (2) में उल्लिखित प्राधिकारियों को उक्त अधिनियम के तहत सक्षम प्राधिकारी के कार्यों का निर्वहन करने के लिए उक्त सारणी के कॉलम (3) में संगत प्रविष्टि में विनिर्दिष्ट क्षेत्र में अधिकृत करती है।

सारणी

क्र.सं. (1)	प्राधिकारी (2)	क्षेत्रीय अधिकार क्षेत्र (3)
1.	अनुविभागीय अधिकारी (राजस्व), बड़ेबचेली अनुविभागीय अधिकारी (राजस्व), दंतेवाड़ा	दंतेवाड़ा जिला, छत्तीसगढ़
2.	अनुविभागीय अधिकारी (राजस्व), सुकमा	सुकमा जिला, छत्तीसगढ़
3.	उप कलेक्टर राजस्व, मलकानगिरी	मलकानगिरी जिला, ओडिशा
4.	विशेष उप कलेक्टर (एलए), एपीआईआईसी, विशाखापत्तनम	विशाखपट्टणम, अनकापल्ली और अल्लूरी सीताराम राजू जिला, आंध्र प्रदेश

[फा. सं. एस - 28030/4/2024 –आरएम (19852)]

नेहा वर्मा, निदेशक

MINISTRY OF STEEL

New Delhi, the 29th September, 2025

S.O. 1874.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorizes the authorities mentioned in column (2) of the Table below to perform the functions of the competent authority under the said Act in the area specified in the corresponding entry in Column (3) of the said Table.

TABLE

S. No. (1)	Authority (2)	Territorial Jurisdiction (3)
1.	Sub-Divisional Officer (Revenue), Badebacheli Sub-Divisional Officer (Revenue), Dantewada	Dantewada District, Chhattisgarh

2. Sub-Divisional Officer (Revenue), Sukma
3. Deputy Collector Revenue, Malkangiri
4. Special Deputy Collector (LA),
APIIC, Visakhapatnam

Sukma District, Chhattisgarh
Malkangiri District, Odisha
Visakhapatnam, Anakapalli and Alluri Sitaram Raju Districts,
Andhra Pradesh

[F. No. S-28030/4/2024-RM (19852)]

NEHA VERMA, Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 17 अक्टूबर, 2025

का.आ. 1875.—केंद्रीय सरकार, साधारण खंड अधिनियम, 1897 कि धारा 21 के सपठित, पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के राजपत्र, भाग II, खण्ड 3 उपखण्ड (ii) क्रमांक 895 दिनांक 01 मार्च 2021 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय, नई दिल्ली की अधिसूचना का.आ. 968 (अ) दिनांक 26 फरवरी, 2021 तहसील कुजंग, जिला जगतसींहपुर (ओडिशा) की अनुसूची में से निम्नांकित अनुसूची में अंकित खसरा संख्याओं में विनिर्दिष्ट उक्त क्षेत्रफल की प्रविष्टियों को एतद्वारा विलोपित (Delete) किया जाता है।

अनुसूची

तहसील-कुजंग		जिला-जगतसींहपुर			राज्य - ओडिशा			
गाँव का नाम	सर्वे नं /	6(1) क्षेत्रफल			सर्वे नं /	विलोपित खसरा व रकबा		
	खसरा नं	हैक्टर	एयर	वर्गमीटर	खसरा नं	हैक्टर	एयर	वर्गमीटर
1	2	3	4	5	6	7	8	9
सिजु -250	916	00	00	70	916	00	00	70
	915	00	07	00	915	00	07	00
	914	00	04	00	914	00	04	00
	913	00	04	50	913	00	04	50
	911	00	02	50	911	00	02	50
	910	00	16	10	910	00	16	10
	909	00	01	80	909	00	01	80
	955	00	02	10	955	00	02	10
	956	00	02	80	956	00	02	80
	958	00	02	10	958	00	02	10
	959	00	02	90	959	00	02	90
	960	00	02	60	960	00	02	60
	961	00	01	60	961	00	01	60

	962	00	03	90	962	00	03	90
	243/1518	00	01	90	243/1518	00	01	90
	1201/1520	00	01	70	1201/1520	00	01	70
	कुल	00	65	00	कुल	00	65	00
पिताम्बरपुर -244	543	00	01	20	543	00	01	20
	541	00	02	90	541	00	02	90
	540	00	00	70	540	00	00	70
	539	00	00	70	539	00	00	70
	538	00	03	60	538	00	03	60
	530	00	00	60	530	00	00	60
	535	00	00	50	535	00	00	50
	531	00	02	70	531	00	02	70
	532	00	14	10	532	00	14	10
	526	00	00	60	526	00	00	60
	417	00	11	10	417	00	11	10
	426	00	05	40	426	00	05	40
	427	00	01	60	427	00	01	60
	424	00	06	30	424	00	06	30
	425	00	00	40	425	00	00	40
	423	00	09	30	423	00	09	30
	432	00	01	10	432	00	01	10
	433	00	00	70	433	00	00	70
	434	00	02	60	434	00	02	60
	463	00	05	60	463	00	05	60
	462	00	00	20	462	00	00	20
	450	00	10	50	450	00	10	50
	451	00	00	40	451	00	00	40
	452	00	01	70	452	00	01	70
	449	00	02	10	449	00	02	10
	453	00	01	80	453	00	01	80
	454	00	01	80	454	00	01	80
	448	00	01	30	448	00	01	30
	595	00	01	70	595	00	01	70
	कुल	00	93	20	कुल	00	93	20

काटकुला -251	770	00	02	00	770	00	02	00
	175	00	00	20	175	00	00	20
	174	00	05	70	174	00	05	70
	173	00	00	50	173	00	00	50
	159	00	00	80	159	00	00	80
	160	00	05	50	160	00	05	50
	161	00	14	80	161	00	14	80
	162	00	00	20	162	00	00	20
	134	00	18	80	134	00	18	80
	133	00	09	90	133	00	09	90
	132	00	04	10	132	00	04	10
	136	00	00	30	136	00	00	30
	131	00	01	80	131	00	01	80
	122	00	02	50	122	00	02	50
	121	00	02	70	121	00	02	70
	64/1062	00	00	70	64/1062	00	00	70
	120	00	01	90	120	00	01	90
	119	00	02	60	119	00	02	60
	118	00	02	00	118	00	02	00
	117	00	02	70	117	00	02	70
	84	00	06	40	84	00	06	40
	64	00	01	60	64	00	01	60
	81	00	04	13	81	00	04	13
	65	00	01	00	65	00	01	00
	80	00	04	30	80	00	04	30
	76	00	02	50	76	00	02	50
	75	00	01	20	75	00	01	20
	74	00	00	70	74	00	00	70
	66	00	02	60	66	00	02	60
	67	00	03	50	67	00	03	50
	73	00	00	20	73	00	00	20
	71	00	00	20	71	00	00	20
	70	00	02	20	70	00	02	20
	69	00	05	70	69	00	05	70

	29	00	14	50	29	00	14	50
	28	00	00	50	28	00	00	50
	337	00	00	20	337	00	00	20
	338	00	00	60	338	00	00	60
	16	00	02	70	16	00	02	70
	341	00	00	20	341	00	00	20
	कुल	01	34	63	कुल	01	34	63
काठ अरा-243	599	00	10	10	599	00	10	10
	600	00	00	50	600	00	00	50
	598	00	15	20	598	00	15	20
	601	00	02	20	601	00	02	20
	602	00	03	50	602	00	03	50
	595	00	06	60	595	00	06	60
	594	00	05	00	594	00	05	00
	564	00	01	60	564	00	01	60
	593	00	03	70	593	00	03	70
	592	00	00	20	592	00	00	20
	567	00	01	00	567	00	01	00
	566	00	02	40	566	00	02	40
	565	00	04	10	565	00	04	10
	561	00	02	20	561	00	02	20
	563	00	02	20	563	00	02	20
	562	00	14	90	562	00	14	90
	520	00	00	20	520	00	00	20
	504	00	16	00	504	00	16	00
	509	00	02	40	509	00	02	40
	508	00	01	90	508	00	01	90
	484	00	02	90	484	00	02	90
	480	00	14	60	480	00	14	60
	479	00	02	50	479	00	02	50
	478	00	02	60	478	00	02	60
	474	00	08	10	474	00	08	10
	470	00	01	80	470	00	01	80

473	00	08	20	473	00	08	20
438	00	04	10	438	00	04	10
439	00	08	30	439	00	08	30
450	00	00	20	450	00	00	20
443	00	04	50	443	00	04	50
442	00	03	10	442	00	03	10
444	00	00	30	444	00	00	30
445	00	01	80	445	00	01	80
435	00	01	20	435	00	01	20
434	00	01	40	434	00	01	40
381	00	06	20	381	00	06	20
447	00	00	60	447	00	00	60
433	00	01	00	433	00	01	00
431	00	05	90	431	00	05	90
432	00	05	70	432	00	05	70
382	00	09	10	382	00	09	10
कुल	01	90	00	कुल	01	90	00

[फा. सं. आर-11025(14)/2/2019-ओआर-I/ई-32402]

शशि शेखर सिंह, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 17th October, 2025

S.O. 1875.—In exercise of the powers conferred by section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) read with section 21 of general Clauses Act 1897, the Central Government hereby deletes the survey numbers indicated in the schedule annexed with this notification along with the entries of their respective indicated area, from the schedule of notification of Ministry of Petroleum and Natural Gas of Government of India vide S.O. no. 968(E) dated 26.02.2021 for Tehsil Kujang, District Jagatsinghpur (Odisha) earlier published in the Gazette of Government of India, Part II, Section 3, Sub Section (ii), number 895, dated 01.03.2021.

SCHEDULE

Tehsil: Kujang		District: Jagatsinghpur			State: Odisha			
Name of Village	Survey /	6(1) Area			Survey /	De Notify Khasra and area		
	Khasra No.	Hectare	Are	Sqm.	Khasra No.	Hectare	Are	Sqm.
1	2	3	4	5	6	7	8	9
Siju-250	940	00	06	80	940	00	06	80
	916	00	00	70	916	00	00	70
	915	00	07	00	915	00	07	00
	914	00	04	00	914	00	04	00

	913	00	04	50	913	00	04	50
	911	00	02	50	911	00	02	50
	910	00	16	10	910	00	16	10
	909	00	01	80	909	00	01	80
	955	00	02	10	955	00	02	10
	956	00	02	80	956	00	02	80
	958	00	02	10	958	00	02	10
	959	00	02	90	959	00	02	90
	960	00	02	60	960	00	02	60
	961	00	01	60	961	00	01	60
	962	00	03	90	962	00	03	90
	243/1518	00	01	90	243/1518	00	01	90
	1201/1520	00	01	70	1201/1520	00	01	70
	Total	00	65	00	Total	00	65	00
Pitambarpur -244	543	00	01	20	543	00	01	20
	541	00	02	90	541	00	02	90
	540	00	00	70	540	00	00	70
	539	00	00	70	539	00	00	70
	538	00	03	60	538	00	03	60
	530	00	00	60	530	00	00	60
	535	00	00	50	535	00	00	50
	531	00	02	70	531	00	02	70
	532	00	14	10	532	00	14	10
	526	00	00	60	526	00	00	60
	417	00	11	10	417	00	11	10
	426	00	05	40	426	00	05	40
	427	00	01	60	427	00	01	60
	424	00	06	30	424	00	06	30
	425	00	00	40	425	00	00	40
	423	00	09	30	423	00	09	30
	432	00	01	10	432	00	01	10
	433	00	00	70	433	00	00	70
	434	00	02	60	434	00	02	60
	463	00	05	60	463	00	05	60
	462	00	00	20	462	00	00	20
	450	00	10	50	450	00	10	50
	451	00	00	40	451	00	00	40
	452	00	01	70	452	00	01	70
	449	00	02	10	449	00	02	10
	453	00	01	80	453	00	01	80
	454	00	01	80	454	00	01	80
	448	00	01	30	448	00	01	30
	595	00	01	70	595	00	01	70
	Total	00	93	20	Total	00	93	20
Katkula -251	770	00	02	00	770	00	02	00
	175	00	00	20	175	00	00	20
	174	00	05	70	174	00	05	70
	173	00	00	50	173	00	00	50
	159	00	00	80	159	00	00	80
	160	00	05	50	160	00	05	50
	161	00	14	80	161	00	14	80
	162	00	00	20	162	00	00	20
	134	00	18	80	134	00	18	80
	133	00	09	90	133	00	09	90
	132	00	04	10	132	00	04	10
	136	00	00	30	136	00	00	30
	131	00	01	80	131	00	01	80
	122	00	02	50	122	00	02	50
	121	00	02	70	121	00	02	70
	64/1062	00	00	70	64/1062	00	00	70

	120	00	01	90	120	00	01	90
	119	00	02	60	119	00	02	60
	118	00	02	00	118	00	02	00
	117	00	02	70	117	00	02	70
	84	00	06	40	84	00	06	40
	64	00	01	60	64	00	01	60
	81	00	04	13	81	00	04	13
	65	00	01	00	65	00	01	00
	80	00	04	30	80	00	04	30
	76	00	02	50	76	00	02	50
	75	00	01	20	75	00	01	20
	74	00	00	70	74	00	00	70
	66	00	02	60	66	00	02	60
	67	00	03	50	67	00	03	50
	73	00	00	20	73	00	00	20
	71	00	00	20	71	00	00	20
	70	00	02	20	70	00	02	20
	69	00	05	70	69	00	05	70
	29	00	14	50	29	00	14	50
	28	00	00	50	28	00	00	50
	337	00	00	20	337	00	00	20
	338	00	00	60	338	00	00	60
	16	00	02	70	16	00	02	70
	341	00	00	20	341	00	00	20
	Total	01	34	63	Total	01	34	63
Katha Ara-243	599	00	10	10	599	00	10	10
	600	00	00	50	600	00	00	50
	598	00	15	20	598	00	15	20
	601	00	02	20	601	00	02	20
	602	00	03	50	602	00	03	50
	595	00	06	60	595	00	06	60
	594	00	05	00	594	00	05	00
	564	00	01	60	564	00	01	60
	593	00	03	70	593	00	03	70
	592	00	00	20	592	00	00	20
	567	00	01	00	567	00	01	00
	566	00	02	40	566	00	02	40
	565	00	04	10	565	00	04	10
	561	00	02	20	561	00	02	20
	563	00	02	20	563	00	02	20
	562	00	14	90	562	00	14	90
	520	00	00	20	520	00	00	20
	504	00	16	00	504	00	16	00
	509	00	02	40	509	00	02	40
	508	00	01	90	508	00	01	90
	484	00	02	90	484	00	02	90
	480	00	14	60	480	00	14	60
	479	00	02	50	479	00	02	50
	478	00	02	60	478	00	02	60
	474	00	08	10	474	00	08	10
	470	00	01	80	470	00	01	80
	473	00	08	20	473	00	08	20
	438	00	04	10	438	00	04	10
	439	00	08	30	439	00	08	30
	450	00	00	20	450	00	00	20
	443	00	04	50	443	00	04	50
	442	00	03	10	442	00	03	10
	444	00	00	30	444	00	00	30
	445	00	01	80	445	00	01	80

	435	00	01	20	435	00	01	20
	434	00	01	40	434	00	01	40
	381	00	06	20	381	00	06	20
	447	00	00	60	447	00	00	60
	433	00	01	00	433	00	01	00
	431	00	05	90	431	00	05	90
	432	00	05	70	432	00	05	70
	382	00	09	10	382	00	09	10
	Total	01	90	00	Total	01	90	00

[F. No. R-11025(14)/2/2019-OR-I/E-32402]

SHASHI SHEKHAR SINGH, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 12 जून, 2025

का.आ. 1876.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक (ए एंड बी), आर.डी. सेल डीजी स्वास्थ्य सेवा निर्माण भवन,के प्रबंधन के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर** के पंचाट(एलसी/आर-17/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/06/2025 को प्राप्त हुआ था।

[सं. एल-20012/171/2018-आई.आर.(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 12th June, 2025

S.O. 1876.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/17/2019**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **Director(A&B),R.D.Cell DG Health Service Nirman Bhawan**, and their workmen, received by the Central Government on 30/05/2025.

[No. L-20012/171/2018- IR (CM-II)]

SALONI, Dy. Director/Link Officer

ANNEXURE**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR****NO. CGIT/LC/R/17/2019****Present: P.K.Srivastava****H.J.S.(Retd.)****Jai Gopal Singh,****S/o Late Ram Singh****Ex- Mining Sardar**

Address – M. No. LIG – 257

Maharana Pratap Nagar,

Near Ghanta Ghar, Korba

Distt. Korba (C.G.) - 495677

Workman

Vs

The General Manager,

SECL, Raigarh Area,

Distt. – Raigarh (CG)

Korea (C.G.) - 496001

Management

(JUDGMENT)

(Passed on this 19th day of August - 2025)

As per letter dated 10/01/2019 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-22012/171/2018-IR(CM-II) dt. 10/01/2019. The dispute under reference relates to:

"WHETHER THE ACTION ON THE PART OF MANAGEMENT OF SECL, BAROUD SUB AREA OF RAIGARH AREA BY REMOVING SHRI JAI GOPAL SINGH, EX- MINING SARDAR FROM SERVICE W.F.F ON 26-07-2007 TO 22-08-2008 ON UNAUTHORISED ABSENTEEISM GROUND WITHOUT CONSIDERING THE PAST UNBLEMISHED SERVICE AND THE YOUNG AGE OF THE EMPLOYEE IS APPROPRIATE AND JUSTIFIED? IF NOT, WHAT RELIEF THE CONCERNED REMOVED WORKMAN SHRI JAI GOPAL SINGH IS ENTITLED TO?"

After registering the case on the basis of reference, the notices were sent to the parties. They appeared and filed their respective statement of claim and defense.

According to the Workman, he was initially appointed as General Mazdoor Category-I, vide order dated 08.09.1996 as a Land Oustee. His father fell ill in May, 2007; he had to apply for a leave immediately, informed the Colliery Manager and went at his home place to look after his father. He himself suffered with Severe Jaundice, and was admitted for treatment in District Hospital at Korba. He informed Management about his ill health on 14.08.2007, 19.02.2007, 29.10.2007, 16.01.2008, 13.02.2008, 01.03.2008, 03.04.2008, 23.06.2008, 05.09.2008, and 06.08.2008 by way of under certificate of posting. He was under regular and continuous treatment from August, 2007 to October, 2008 and was advised complete bed rest. He was declared fit for duties by the Doctor on 11.04.2009. He went to his workplace and asked the Management Officers to permit him to work which they refused and informed that, he was removed from service due to his absence. He applied for copy of the removal order dated 16.02.2009 which was supplied to him. It came out that, he was removed from his services on the ground of unauthorized absence from work after an enquiry about which he was never informed. He was never received any show cause notice or charge sheet or any other document nor had he received any enquiry report or any show notice by the Disciplinary Authority. He got the documents relating to the enquiry and removal order by way of an application under Right to Information Act, 2005. According to the Workman, he was never informed about the charge sheet or enquiry or any enquiry report nor issued any show cause notice before passing the order of removal which is unjust, illegal and arbitrary. His service tenure has otherwise been excellent, thus he has prayed that holding the punishment order illegal, he be held entitled to be reinstated in services with back wages and benefits.

Case of the Management is that, firstly, his claim is prayed on the ground of unexplained delay and alleges on his part in respect to the dispute which has have been raised after 11 year. He absented himself unauthorizedly and willfully from work, within the period 26.07.2007 to 22.08.2008 and was dismissed, vide order dated 17.02.2009 after an enquiry relating to unauthorized absence. It is further the case of the Management that, he absented himself for a period of more than one year without any intimation and any sanctioned leave which is misconduct in the certified standing orders. He was issued a letter on 04.11.2007, which were served to him by the registered post but he did not return for duty, hence was issued charge sheet dated 13/16.11.2007. He did not file any reply to the charge sheet hence, Management proceeded to conduct an enquiry. Notices were sent to him, and were published in Daily Newspaper Navbharat and Raigarh Sandesh which have wide circulation in the area. He did not turn up, hence the enquiry proceeded ex-parte. The Enquiry Officer submitted in his report dated 24.09.2009 holding the Workman guilty of the misconduct. He was issued a show cause notice by registered post which was served on him. Thereafter, he was removed from service vide order of the Disciplinary Authority dated 17.02.2009. Management has requested

that the reference be answered against the Workman.

Following issues were framed vide order dated 06.06.2024 –

1. *Whether, the Departmental Enquiry conducted against the Workman is just, proper and legal?*
2. *Whether the charges are proved?*
3. *Whether, the punishment is imposed against the workman is proportionate?*

Issue No. 1 was taken as a preliminary issue.

The Workman did not file any evidence on preliminary issue. Management filed affidavit of its witness, on preliminary issue. Management also filed and proved enquiry documents Exhibit M-1 to M-16.

Preliminary Issue was decided vide order dated 25.04.2025 holding the departmental enquiry just, legal and proper. This order is part of this judgment

Parties were thereafter given opportunity to lead evidence on remaining issue. No evidence was filed by any of the parties.

I have heard argument of Learned Counsel Mr. Neeraj Kewat for Management. None appeared for Workman. I have gone through the record as well.

Issue No. 2 –

From the perusal of the enquiry paper, it comes out that there is sufficient evidence in form of its statement of witness, attendance sheets which support the charges hence, the finding of the enquiry Officer that the charges are proved cannot be held to be perverse on the basis of the evidence.

Issue No. 2 is answered accordingly.

Issue No. 3 –

The charge of misconduct proved is willful and unauthorized absence for more than one year which attracts major punishment of removal from service. Hence, the punishment order also can not be held to be disproportionate to the charge, holding the punishment proportionate to the charges proved, **Issue No. 3 is answered accordingly.**

In the light of above discussion and findings the reference is answered as follows-

AWARD

Holding, action on the part of management of SECL, BAROUD sub area of Raigarh area by removing Shri Jai Gopal Singh, ex- mining sardar from service w.e.f on 26-07-2007 to 22-08-2008 on unauthorised absenteeism ground is held to be legal and justified, he is held entitled to no relief.

No order as to cost.

DATE:- 19/08/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2025

का.आ. 1877.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **48/2011**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **15/10/2025** को प्राप्त हुआ था।

[सं. एल-20012/34/2011-आई.आर.(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th October, 2025

S.O. 1877.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 48/2011**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL.** and **their workmen** received by the Central Government on **15/10/2025**.

[No. L-20012/34/2011– IR (CM-I)]

SALONI, Dy. Director/Link Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD
In the matter of reference U/S 10 (1) (d)& (2A) of I.D.Act. 1947.
Reference Case No. 48/2011

Parties:

Employers in relation to the management of C.V. Area
Of M/s. BCCL, Barakar, Dhanbad.

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

For the Employers :- None.

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 23/09/2025

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No.L-20012/34/2011 (IR(CM-I)) dated 12/09/2011 has been pleased to refer the following dispute between the employer i.e. management of C.V. Area of M/s. BCCL, Barakar, Dhanbad and their workman through Joint Secretary (C) Colliery Mazdoor, Congress Damagoria Colliery BCCL, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of Basantimata Colliery of M/s BCCL in dismissing Sri Chand Manjhi, UG Loader, from the services of the company w.e.f. 22.8.2006 is fair and justified? To what relief the workman concerned is entitled to ?”

2. On receiving order no. L-20012/34/2011 (IR(CM-I)) dated 12/09/2011 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 48 of 2011 was registered on 07.10.2011 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. It further transpires from the case record, when the case record was put up after a long gap on 27.01.2022, registered notices were sent to both the parties and Sri Nitish Sahay, Ld. Advocate for the management appeared on 17.03.2022 but the workman/union failed to appear. Thereafter management also failed to appear before the Tribunal. However notice of union/workman returned with endorsement “Left”.

4. On perusal of the entire case record it is transpires that neither the workman nor the management appeared before this Tribunal for a period of 14 years which shows that both the parties have lost their interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

that this case is hereby dismissed and a “No Dispute Award” be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2025

का.आ. 1878.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **20/2005**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **15/10/2025** को प्राप्त हुआ था।

[सं. एल-20012/131/2004-आई.आर.(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th October, 2025

S.O. 1878.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 20/2005**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL**, and **their workmen** received by the Central Government on **15/10/2025**.

[No. L-20012/131/2004- IR (CM-I)]

SALONI, Dy. Director/Link Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d)& (2A) of I.D.Act. 1947.

Reference Case No. 20/2005

Parties:

Employers in relation to the management of Burragarh colliery
under Kustore Area of M/s. BCCL, Dhanbad.

AND

Their Workman

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri Ganesh Prasad, Ld. Advocate.

For the workman :- Sri Sadhan Banerjee, Representative.

State : Jharkhand.

Industry:-Coal

Dated 22/09/2025

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Government Of India through the Ministry of Labour, vide its Order No. L-20012/131/2004-IR(C-I) dated 17/12/2004 has been pleased to refer the following dispute between the employer i.e. management of Kustore Area of M/s. BCCL, Dhanbad and their workman through Vice President, Bihar Colliery Kamgar Union, Dhanbad, for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of Burragarh Colliery under Kustore Area of M/s BCCL in dismissing Sri Khagen Bouri, M/Loader from the services of the company vide order dated 23/24.1.2002 is justified? If not, to what relief is the concerned workman entitled?”

2. The case of the workman as per the written statement filed on his behalf is that the concerned workman namely Khagen Bouri had been working as Miner Loader at Burragarh Colliery since long with un-blemished record of service. He had been absenting from duty due to family land dispute and same had been intimated to the management. The management issued a charge sheet instead of allowing him in his duty and the workman submitted his reply with a prayer to allow him to resume his duty. Though the reply submitted by the concerned workman was satisfactory,

even then the management conducted enquiry through a biased and prejudiced enquiry officer who acted as an agent of management and had not given proper opportunity to the concerned workman to defend himself. The enquiry as conducted by the enquiry officer was perverse and not based on evidence on record. On the basis of the same perverse findings of the enquiry officer, the disciplinary authority dismissed the concerned workman by dismissal order dated 23/24.01.2002. He was dismissed by an unauthorized person. The concerned workman and the union on behalf of the concerned workman represented before the management several times against the illegal and arbitrary order of dismissal but till today without any effect. Pertinent point for consideration is that as per charge sheet the concerned workman had been absenting from duty w.e.f. 16.03.2001 and he submitted his reply on 21.07.2001 and specifically requested the management to allow him to resume his duty but his prayer was intentionally ignored. As per own circular of BCCL whose absenteeism is below six months, he should be allowed in duty without prejudice to the findings of the enquiry and G.M. of the area will allow the worker subject to his medical fitness or enquiry should be completed within 48 hours. In the present case concerned workman was absenting w.e.f. 16.03.2001 due to his family land dispute and he has reported for his duty on 21.07.2001 but the anti labour management did not allow to resume his duty. It is crystal clear from the aforesaid facts that there is no delay on the part of the concerned workman. Seeing no other alternative the union on behalf of the workman, raised an industrial dispute before the A.L.C.(C), Dhanbad and the same ended in failure due to the anti-labour attitude of the management. Seeing merit of the dispute the Govt. of India, Ministry of Labour has referred the said dispute to this Tribunal for adjudication with the aforementioned schedule made in the order of reference. The action of the management in dismissing the concerned workman from service of the company w.e.f. 23/24.01.2002 was illegal, unjustified, arbitrary, vindictive in nature and smack of anti-labour policy of the management. The action of the management was against the principle of natural justice as well as against the settled law of the land and too harsh and disproportionate to the alleged offence and at last it was prayed to pass an award in favour of the concerned workman and direct the employer to reinstate him in service with full back wages and other consequential benefits by setting aside the order of dismissal dated 23/24.01.2002.

3. On the other hand the case of the management as per the written statement cum rejoinder dated 26.09.2019 is that the present dispute raised against the opposite party is not maintainable. It is a fact that Khagen Bouri was a permanent employee of Burragarh Colliery of M/s. BCCL having personnel no. 02824860 working as miner loader. It is also a fact that he was dismissed from the services of the company vide dismissal Letter No. BCCL/KA/BGH/01-02/1918, dated 24.01.2002 for habitual absenteeism. It has further been submitted that Khagen Bouri was absent from his duty without information or prior approval from the competent authority continuously and he was charge sheeted for the above misconduct vide charge sheet dated 19.04.2001. Previously also he was charge sheeted for unauthorized absence and was allowed by the competent authority with stoppage of increment. His last three years attendances are as under:-

Year	-	1998	-	38 days
Year	-	1999	-	54 days
Year	-	2000	-	128 days

The enquiry officer was appointed to conduct the enquiry into the matter of the charge sheet. He was issued notices of enquiry to participate in course of enquiry. The workman fully participated in the enquiry proceeding and he was given full opportunities to defend his case by adducing evidences orally or documentary and cross examine the management witnesses. During the course of enquiry proceeding he has accepted his guilt, begged apology and assured not to repeat such type of practice in future. The enquiry officer submitted enquiry proceeding and enquiry report holding him guilty. The second show cause notice was also issued to him vide notice no. 1377, dated 01.10.2007 and in his reply Khagen Bouri stated that due to family problem he had absented and accepted guilt and again assured not to repeat such type of practice in future. The disciplinary authority gone through the enquiry proceeding and enquiry report submitted by the enquiry officer and found that in spite of giving opportunities to improve himself, the workman has not improved and seeing no alternative, dismissed the workman for the above misconduct vide dismissal order dated 24.01.2002. He has drawn his gratuity money. The enquiry conducted by the enquiry officer is fair and proper and the management has taken proper and suitable action for his habitual absenteeism and the prayer of the applicant for his reinstatement in job is not at all justified. By way of reply Para wise it has been submitted that the statement given by the applicant from point no. 1 to 6 is a matter of records and point no. 6 is also not correct hence vehemently denied and it is submitted that 4 notices were issued to Khagen Bouri, sufficient opportunities were given to him to defend himself during the course of enquiry and the contention made in Paragraph 7 to 16 are also matter of records and at last it was prayed to hold that the enquiry is fair and proper and also the applicant is not entitled for reinstatement in job.

The workman has also submitted rejoinder to the W/S filed on behalf of the management on 16.01.2020 submitting therein that the statement of the management in Paragraph-1 is false and denied and it is submitted that the present dispute is legally maintainable. The statement of the management in Paragraph-2 is a matter of record. The statement of the management in Paragraphs 3 to 5 is false, frivolous and hence denied. It is submitted that the anti-labour management illegally & arbitrarily dismissed the concerned workman from service w.e.f. 24.01.2002 on the ground of habitual absenteeism. It is also submitted that the concerned workman was absenting from duty due to

family dispute and the same had been intimated to the management. The statement of the management in Paragraph 6 to 10 of the W/S are also false, frivolous, motivated, misrepresentation of the facts and hence denied. It is submitted that the concerned workman had put in more than 225 days in the last three years and the concerned workman was dismissed on the basis of an invalid and irregular departmental enquiry conducted by a biased and prejudiced enquiry officer. He has not given proper opportunity to defend himself. It is also submitted that even in invalid and irregular departmental enquiry the charges against the concerned workman was not established and he was dismissed by the unauthorized person. In reply to the statement of the management in Paragraph-11 of the W/S it is stated that he had clearly mentioned about reason for absenting from duty. In reply to the statement of the management in Para-12 of the W/S it is submitted that the enquiry officer acted as an agent of the management and illegally found him guilty. In reply to the statement of the management in Para-13 it is submitted that the dismissal of the concerned workman is too harsh and disproportionate to the alleged offence. The statement of the management in Paragraph-14 is matter of record. The statement of the management in Paragraph-15 to 17 is false, frivolous, motivated and hence denied. It is absolutely false to submit that the enquiry conducted by enquiry officer is fair and proper. The management had illegally and arbitrarily taken action against the concerned workman and he is entitled for reinstatement with full back wages and all consequential benefits and it was prayed to reject the prayer of the management and direct the employer to reinstate the concerned workman in service with full back wages and others consequential benefits by quashing illegal dismissal order dated 24.01.2002.

4. It is important to mention here that the union on behalf of the workman, has already accepted and admitted the domestic enquiry held by the management as fair and proper by filing petition dated 12.02.2020 and no oral or documentary evidence has been adduced from the side of the workman.

5. On the other hand the following documents have been got exhibited from the side of the management:

Exhibit M-1- copy of charge sheet dated 19.04.2001.

Exhibit M-2- reply dated 20.07.2001 by Khagen Bouri.

Exhibit M-3- Enquiry notice dated 04.07.2001.

Exhibit M-4- Enquiry notice dated 21.07.2001.

Exhibit M-5- Application dated 01.09.2001 filed by Khagen Bouri for extension of time of enquiry.

Exhibit M-6- copies of enquiry proceeding from 19.07.2001 to 11.09.2001.

Exhibit M-7- Enquiry report dated 26.09.2001.

Exhibit M-8- copy of second show cause notice dated 01.10.2001.

Exhibit M-9- copy of reply dated 10.10.2001 filed by Khagen Bouri to the second show cause notice.

Exhibit M-10- copy of dismissal order dated 23/24.01.2002.

Exhibit M-11- letter dated 1/2.4.2008 sent to the Dy. Chief Personnel Manager, Kustore Area by the Project Officer, Burragarh Colliery.

6. Heard both sides and perused the materials on record.

7. The Ld. Representative of the workman has submitted that the workman Khagen Bouri was employee of Burragarh Colliery working as Miner Loader but he was dismissed from his service vide order dated 24.01.2002 on the charges of his being absent from duty without leave w.e.f. 16.03.2001. Thereafter he was issued charge sheet and domestic enquiry was held against him and ultimately he was dismissed from service. He has further submitted that he has already admitted the domestic enquiry as fair and proper and so he has nothing to say on the fairness of enquiry report but the only point that must be considered is that Khagen Bouri was issued charge sheet under clause 26.1.1 of CSO for minor penalty whereas he was imposed major penalty of dismissal from service which is arbitrary and serious violation of Certified Standing Order. It is also too harsh and disproportionate to the alleged misconduct of absence from duty and so prayed to set aside the dismissal order and direct the management for the reinstatement of the concerned workman in service with full back wages and other consequential benefits.

8. On the other hand the Ld. Counsel on behalf of the management has submitted that Khagen Bouri was working as Minor/Loader in Burragarh Colliery and absented himself from duty without any prior permission and leave of the management since 16.03.2001 and in the meantime he was issued charge sheet on 19.04.2001 under clause 26.1.1 of Certified Standing Order for committing misconduct due to willful habitual absence from duty. In his reply he also admitted that he had gone to his native village due to land problem and assured not to repeat the same. Thereafter enquiry officer was appointed by the disciplinary authority for enquiry of the charge sheet in which the workman also fully participated and following the principles of natural justice during the course of enquiry he was found guilty by the enquiry officer. He has further submitted that he was issued second show cause notice to which he also replied but the same was also not found satisfactory and ultimately he was dismissed from his service vide order dated 24.01.2002. The workman is a habitual absentee and on previous occasions he was punished with stoppage of increments. He has already received his provident fund and gratuity from the company and the order of

dismissal passed by the Project Officer against the workman Khagen Bouri is quite justified and this reference should be rejected.

9. **ISSUE**

(i) Whether the domestic enquiry was held fairly and properly?

(ii) Whether the action of the management of Burragarh Colliery under Kustore Area of M/s. BCCL in dismissing Sri Khagen Bouri, M/Loader from the services of the company vide order dated 23/24.1.2002 is justified? If not, to what relief is the concerned workman entitled?

10. Now as regards the first issue, the representative of the workman has already admitted the domestic enquiry as fair and proper by filing written application dated 12.02.2020 and accordingly the same was allowed by this Tribunal vide order dated 19.04.2022 and it was held that the domestic enquiry was fair and proper and therefore, this issue is decided accordingly.

11. Now as regards the 2nd issue, the management has adduced as many as 11 documentary evidence to prove the action of the management in dismissing the concerned workman as justified. Out of these documentary evidence Ext. M-1 is the copy of charge sheet dated 19.04.2001 and on its perusal it transpires that it has been issued by Manager, Burragarh Colliery to the workman Khagen Bouri stating therein that he was absent from his duty w.e.f. 16.03.2001 till that day and he has not taken any leave permission from the competent authority which is gross negligence on his duty and therefore he instructed to show cause in writing to the under signed within 48 hrs. of the receipt of this letter charge sheet as to why necessary disciplinary action should not be taken against him for his unauthorized absence as per clause 26.1.1 of Certified Standing Order of the Coal Mining Industry. In reply to this charge sheet the workman Khagen Bouri submitted his written reply on 20.07.2001 which is marked as Exhibit M-2 in which he stated that he was busy in his family problems arising out of land dispute and stayed at his home and continued to remain absent and could not give information due to ignorance and illiteracy for which he begged apology and requested to consider his application sympathetically and permit him to join his duty. On perusal of Exhibit M-3 it transpires that this is enquiry notice dated 04.07.2001 by which Sri B.R. Shukla, Senior Personnel Officer, Burragarh Colliery was appointed as Enquiry Officer vide order dated 04.07.2001 of the BCCL to conduct the enquiry against the charge sheet dated 19.04.2001 issued against Khagen Bouri and the next date for holding enquiry was fixed on 19.07.2001 at 10 AM and Khagen Bouri was directed to appear at 10 AM and he was also informed that he will be given full opportunity to defend himself in course of enquiry and if he wishes to appear with a co-worker, he will be allowed for the same also and if he failed to appear the enquiry will be done Ex-parte. Likewise Exhibit M-4 is the enquiry notice dated 21.07.2001 issued by the enquiry officer to Khagen Bouri by which he has been informed that the next date for holding enquiry is 06.08.2001 at 10 AM in the office of Agent, Burragarh Colliery. On perusal of Exhibit M-5 it transpires that this is a written application dated 01.09.2001 given by the workman Khagen Bouri in the name of the enquiry officer and has requested for providing him next date of the enquiry as he could not appear on 06.08.2001 before the enquiry officer due to some reason. On perusal of Exhibit M-6 it transpires that this is copy of enquiry proceeding from 19.07.2001 to 11.09.2001 held against the workman Khagen Bouri in pursuance of the charge sheet dated 19.04.2001. On its careful perusal it transpires that during course of proceeding the enquiry officer asked the workman to keep a co-worker for his assistance but he refused the same stating that he would present his case and thereafter he was read over and explained the charges and asked whether the charges are right or wrong, the workman Khagen Bouri replied that the charges are right and it was due to his fault. Thereafter the statements of management representative Sri B.R. Singh and MW 1 Ram Pravesh Ram were recorded in which they supported the charge against the concerned workman and detailed his past conduct of absence from duty resulting in stoppage of 3 SPRA. The workman refused to cross examine thereafter the statement of the workman Khagen Bouri was recorded by way of his defense in which he has stated that he was on duty on 15.03.2001 and suddenly received information from his home that dispute had arisen in his family and after his duty he went to his village and due to the issue of partition he had to separately construct his home and due to the same he absented from 16.03.2001 from his duty and could not give information of the same to the management due to which he was issued charge sheet and after receiving the same he gave the reply of the same. He has further admitted that he remained absent from 16.03.2001 without giving any information to the management because of his fault. He has further admitted that prior to this charge sheet also he was issued a charge sheet for remaining absent from his duty and in that charge sheet also enquiry was held and he was permitted to join duty after stoppage of two SPRA. He had fallen ill at that time but had not taken sick leave and assured that will not recur this mistake again. Exhibit M-7 is the enquiry report dated 26.09.2001 signed by Sr. P.O/Enquiry Officer and on its perusal it is evident that Khagen Bouri, Miner Loader of Burragarh Colliery was issued charge sheet dated 19.04.2001 for being absent from duty since 16.03.2001 without any information and permission from the competent authority and committed misconduct under section 26.1.1 of the certified standing order. On its perusal it further transpires that in the year 1998 the workman remained present 38 days, in the year 1999- 54 days and in the year 2000- 128 days. It also reveals that the enquiry was fairly and properly done by following the principles of natural justice and providing full opportunity of participating and defending himself to the workman in which he also participated and ultimately on the basis of the enquiry report of the enquiry officer as well as considering that previously also he was charged for unauthorized absence and allowed his duty on 26.10.2000 after stoppage of three SPRA as punishment, the enquiry report was

submitted and on the basis of the enquiry report ultimately the manager Burragarh Colliery issued second show cause notice vide Exhibit M-8 and its reply was filed vide Exhibit M-9 admitting his fault and ultimately on 23/24.01.2002 the Project Officer, Burragarh Colliery passed the order of dismissal of the workman Khagen Bouri vide Ext. M-10 and issued a letter to him. Likewise Exhibit M-11 is a letter dated 1/2.4.2008 issued by the Project Officer in the name of the Dy. Chief Personnel Manager, Kustore Area in which the details of information regarding the name, designation, personnel no., date of appointment, date of birth, date of absence, name of colliery, past three years attendance before absent date, details of last year punishment, appearance of the workman in the enquiry, charge sheet ref no. & date, second show cause notice served, dismissal date, payment of gratuity has been fully mentioned.

12. Thus, on the basis of above discussions of the documentary evidences adduced from the side of the management it is established that the workman Khagen Bouri who was working as Miner Loader in Burragarh Colliery, absented himself from his duty since 16.03.2001 without any information or leave from the competent authority and thereafter he was issued charge sheet on 19.04.2001 under clause 26.1.1 of the certified standing order of the coal mining industry for willful and habitual absence from duty and was directed to show cause within 48 hours of the receipt of chargesheet and then he filed reply but finding the same unsatisfactory, an enquiry proceeding was started against him in which he fully participated and ultimately he was found guilty of absenting himself from his duty since 16.03.2001 without prior permission and leave of the competent authority that the union also admitted by filing a petition dated 12.02.2020. Not only this, the materials on record further reveal that the attendance of the workman in the past three years from 1998 to 2000 is not satisfactory and previously also he remained absent from his duty without giving any information to the competent authority for which he was punished by stoppage of three SPRA because of being absent from 26.10.2000.

13. Thus the above materials establish that the workman is a habitual absentee and for habitual absentee, the penalty of dismissal is quite justified because a prior penalty like stoppage of 3 SPRA indicates the employee was already warned about the seriousness of the unauthorized absence from duty. Therefore a repeated misconduct demonstrates lack of improvement and a disregard for workplace rules which can be seen as an aggravating factor in a domestic proceeding making dismissal a more plausible outcome.

In case of **Om Prakash Vs State of Punjab & Ors reported in (2011) 14 SCC 682**, the Hon'ble Supreme Court has been pleased to hold that habitual absentee without leave does not deserve any sympathy from the court.

14. Now as regards the contention of the learned representative of the workman that the dismissal of the workman Khagen Bouri from the services of the company is disproportionate in view of his misconduct, is not tenable in the eye of law because the Hon'ble Apex Court in case of **Maan Singh vs Union of India , reported in AIR 2003 supreme court 1800**, has been pleased to hold that habitual absenteeism without leave is sufficient to provide major punishment of dismissal.

15. Now as regards the contention of the Ld. Representative of the workman that the workman can not be imposed major penalty if charge sheet has been issued under clause 26.1.1 of Certified Standing Order of coal mining industry and the workman has been allowed only 48 hours to show cause which indicates minor penalty, though this is settled principle of law that a workman can not be punished for a charge not included in the charge sheet but if the past misconduct of the workman has been brought on record in the enquiry report, major punishment can be imposed in view of past and present repeated misconduct. In this regard, the Hon'ble Apex Court has been pleased to hold in case of **state of Punjab & Ors. Vs. Ex. C. Satpal Singh, Civil Appeal No. 312/2012 reported in INSC 1056** and delivered on 29.08.2025, that the "past misconduct cannot be the basis for punishment unless it is cited in the show-cause notice or inquiry report.

Here in the instant case on perusal of the case record it transpires that though the past misconduct of the unauthorized absence of the workman Khagen Bouri has not been mentioned in the show cause notice but on perusal of the enquiry report Exhibit (M-7) it is crystal clear that the past misconduct of Khagen Bouri has been very clearly mentioned therein and therefore the contention of the Ld. Representative of the workman that the charge sheet was issued for minor punishment and therefore the major punishment cannot be imposed is not legally tenable in the eye of law and considering the past misconduct as well as the present misconduct it is crystal clear that the workman is a habitual absentee for which action of the management of Burragarh Colliery under Kustore Area of M/s. BCCL in dismissing Sri Khagen Bouri from his service of the company vide order dated 23/24.01.2002 is held justified and accordingly the workman is not entitled to any relief. So this issue is decided against the workman and the reference is answered accordingly.

Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2025

का.आ. 1879.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय ई सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण-सह - श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **69/2009**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **15/10/2025** को प्राप्त हुआ था।

[सं. एल-20012/71/2009-आई.आर.(सी.एम-1)]

सलोनी, उप निदेशक /लिंक अधिकारी

New Delhi, the 16th October, 2025

S.O. 1879.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 69/2009**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **ECL. and their workmen** received by the Central Government on **15/10/2025**

[No. L-20012/71/2009- IR (CM-I)]

SALONI, Dy. Director/Link Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD**In the matter of reference U/S 10 (1) (d)& (2A) of I.D.Act. 1947.**Reference Case No. 69/2009****Parties:**

Employers in relation to the management of S.P. Mines Chitra

Colliery of M/s ECL, Chitra, Deoghar.

AND

Their Workmen

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri D.K. Verma, Ld. Advocate.

For the workmen :- None.

State : Jharkhand.

Industry:-Coal

Dated 22/09/2025

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Government Of India through the Ministry of Labour, vide its Order No.L-20012/71/2009 (IR(CM-I)) dated 04/12/2009 has been pleased to refer the following dispute between the employer i.e. management of S.P. Mines Chitra Colliery of M/s. ECL, Deoghar and their workman through Vice President, All India Trade Union Congress, Jamtara, for adjudication by this Tribunal:

SCHEDULE

“i)Whether the demand of the All India Trade Union Congress from the Management of Chitra Colliery of M/s. ECL for payment of sick injury wages to Sri Sarju Marandi, Pump Khalasi for the period 19.11.2002 to 20.3.2003 is justified and legal? ii) To what relief is the workman concerned entitled?”

2. The case of the workman as per written statement filed on his behalf is that the workman Sarju Marandi was working as T/R Pump Khalasi Mazdoor in S.P. Mines ECL, Chitra Colliery but on 19.11.2002 in the work hour due to accident he suffered loss of movement in his left ring finger and thereafter he was given treatment in ECL Management Sanctoria Hospital and Dy. CPM, S.P. Mines gave direction to agent chitra for payment of compensation but despite the sanction of the same the workman could not receive injuries sick wages and ultimately

this issue was raised by the union that resulted in reference in this case.

3. On perusal of the case record it transpires that after reference of this case a settlement was arrived at between the management and representative of the workman and as per the terms of the settlement the management is agreed to pay Rs. 28,245.84/- towards wages for the period 19.11.2002 to 28.02.2003 and this will be full and final settlement of IOD payment and union will not raise or reopen this issue and this payment is as per approval of the competent authority and it further transpires that the signature of management representative has been put on 11.05.2019 and that of the representative of the concerned workman has been put on 13.05.2019 along with signature of three other witnesses in Form-H (Rule 58) and thereafter as agreed said amount was credited in the account of Sri Sarju Marandi in his Bank Account No. 33483866407 through RTGS on 30.03.2019 and 09.08.2019 respectively.
4. The case record further shows that after receiving of payment as settled between both the parties the workman has sent a registered letter in this Tribunal claiming that the management has made payment of injury wages but the compensation has still not been paid by the management and it was prayed to pass an order regarding the same.
5. On perusal of the terms of reference it is evident that this is only about the payment of sick injury wages to Sri Sarju Marandi and as per the terms of settlement the same has already been paid to him by the management and also admitted by the workman but as regards the registered letter sent to this Tribunal subsequently vide letter dated 17.04.2021, the demand of payment of compensation is beyond the purview of this reference case and cannot be considered.

In view of the above facts and circumstances this reference case is hereby disposed of in terms of settlement arrived at between both the parties.

Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2025

का.आ. 1880.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण-सह - श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **31/2020**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **15/10/2025** को प्राप्त हुआ था।

[सं. एल-20012/14/2020-आई.आर.(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th October, 2025

S.O. 1880.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 31/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL** and **their workmen** received by the Central Government on **15/10/2025**.

[No. L-20012/14/2020- IR (CM-I)]

SALONI, Dy. Director/Link Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD**In the matter of reference U/S 10 (1) (d)& (2A) of I.D.Act. 1947.**Reference Case No. 31/2020****Parties:**Employers in relation to the management of P.B. Area
Of M/s. BCCL, Dhanbad.

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

For the Employers :- Sri D.K. Verma, Ld. Advocate

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 23/09/2025

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No.L-20012/14/2020 (IR(CM-I)) dated 18/09/2020 has been pleased to refer the following dispute between the employer i.e. management of P.B. Area of M/s. BCCL and their workman through Executive Member of Central Committee, Jharkhand Colliery Sharmik Union, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether non-regularisation of Md. Jainul Ansari as Banksman/on setter in proper grade by the management of Putki Colliery under P.B. Area of M/s BCCL, as raised by the Jharkhand Colliery Shramik Union, is just and fair? If not, what relief is the workman concerned entitled to and from which date ?”

2. On receiving order no. L-20012/14/2020 (IR(CM-I)) dated 18/09/2020 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 31 of 2020 was registered on 09.10.2020 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. After issuance of regd. notice, none appeared from either side. Thereafter on 18.03.2021 Sri D.K. Verma, Advocate for the management appeared and filed letter of authority but workman/union failed to appear. However Sri D.K. Verma, Advocate for the management appeared. It further transpires that on 20.06.2025 again registered notice was sent to workman/union but again he failed to appear before the Tribunal.

4. On perusal of the entire case record it is transpires that the workman never appeared before this Tribunal for a period of 5 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

that this case is hereby dismissed and a “No Dispute Award” be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2025

का.आ. 1881.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण-सह - श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **54/2011**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **15/10/2025** को प्राप्त हुआ था।

[सं. एल-20012/105/2010-आई.आर.(सी.एम-1)]

सलोनी, उप निदेशक/लिंग अधिकारी

New Delhi, the 16th October, 2025

S.O. 1881.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 54/2011**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL**. and **their workmen** received by the Central Government on **15/10/2025**.

[No. L-20012/105/2010– IR (CM-I)]

SALONI, Dy. Directo/Link Officer r

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d)& (2A) of I.D.Act. 1947.

Reference Case No. 54/2011

Parties:

Employers in relation to the management of P.B. Area

Of M/s. BCCL, Dhanbad.

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

For the Employers :- Sri Ranjeet Kumar Jha, Legal Inspector

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 23/09/2025

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No.L-20012/105/2010 (IR(CM-I)) dated 07/12/2011 has been pleased to refer the following dispute between the employer i.e. management of P.B. Area of M/s. BCCL and their workman through Area President, Janta Mazdoor Sangh Kacchi Balihari, 5/6 Pits Colliery, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of K.B. 5/6 Pits Colliery of M/s BCCL in not regularizing Sri Baiju Singh as Time Keeper is fair and justified? To what relief the concerned workman is entitled to ?”

2. On receiving order no. L-20012/105/2010 (IR(CM-I)) dated 07/12/2011 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 54 of 2011 was registered on 20.12.2011 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. It further transpires from the case record, when the case record was put up after a long gap on 19.01.2022, registered notices were sent to both the parties and thereafter no step was taken from both sides. However notice of union/workman returned with endorsement “पता नहीं चला वापस”. Though on 25.07.2025, Sri Ranjeet Kumar Jha, Legal Inspector for the management appeared but union/workman did not appear before this Tribunal.

4. On perusal of the entire case record it transpires that the workman never appeared before this Tribunal for a period of 14 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

that this case is hereby dismissed and a “No Dispute Award” be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2025

का.आ. 1882.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-1 के पंचाट (कंप्यूटर केस आई.डी.सं.01/2013, रेफरेंस केस सं.138/1997 कंप्यूटर केस सं.02/2013, रेफरेंस केस 138/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/10/2025 को प्राप्त हुआ था।

[सं. एल-20013/01/2025-आई.आर.(सी.एम- I)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th October, 2025

S.O. 1882.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Comp.case I.D.No.01/2013, Ref Case .No. 138/1997 Comp Case . No. 02/2013,Reff. Case 138/1997**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and **their workmen** received by the Central Government on 15/10/2025.

[No. L-20013/01/2025– IR (CM-I)]

SALONI, Dy. Director/Link Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD****Comp. Case No. 01/2013**

Arising out of REF Case No. 138/1997

1. Agendra Nath Dubey

Ex. A.G.I(D)

Food Corporation of India,

FSD, NRPA, Muzaffarpur, Bihar

2. Asif Ali

Ex. A.G.I(D)

Food Corporation of India,

FSD, NRPA, Muzaffarpur, Bihar.....Complainants

Vs.

The General Manager

Food Corporation of India, Arunachal Building

Exhibition Road, Patna..... Opposite Party

Appearances:

For Complainant :- Sri A.N. Dubey, (In Person).

For Opp. Party :- Sri S.Shekar, Ld. Advocate

With

Comp. Case No. 02/2013

Arising out of REF Case No. 138/1997

1. Garib Das,

Ex. A.G.I(D)

Food Corporation of India,

FSD, Saharsa, Bihar

2. Ram Saran Mandal, (Died on 10.12.2024)

Ex. A.G.I(D)

Food Corporation of India,

FSD, Saharsa, Bihar.....Complainants

Vs.

The General Manager

Food Corporation of India, Arunachal Building

Exhibition Road, Patna.....Opposite Party

Appearances:

For Complainant :- Sri Garib Das, (In Person).

:- Sri Prabhat Saran Sharma, (In Person)

s/o Ram Saran Mandal,

For Opp. Party :- Sri S.Shekar, Ld. Advocate

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

State : Jharkhand

Dated 22/09/2025

ORDER

2. Heard both sides and perused the material on record.

3. On perusal of the case records it transpires that the Complaint Case No. 01/2013 was filed by the complainant no. 1, Agendra Nath Dubey, Ex. AG-I (D), Food Corporation of India, Muzaffarpur and complainant no. 2, Asif Ali, Ex. AG-I (D), Food Corporation of India, Muzaffarpur against the General Manager, Food Corporation of India, Arunachal Building, Exhibition Road, Patna under section 33A in violation of Section 33 (2b) of the I.D. Act, 1947 and likewise Complaint Case No. 02/2013 was filed by the complainant no. 1, Garib Das, Ex. AG.I(D), Food Corporation of India, FSD, Saharsa and complainant no. 2, Ram Saran Mandal, Ex. AG.I(D), Food Corporation of India, FSD, Saharsa residing at Shakti Nagar, Beside Bright Career School, District-Bihar against General Manager, Food Corporation of India, Arunachal Building, Exhibition Road, Patna with a prayer to set aside the order of punishment dated 30.08.2012 and 11.10.2012 respectively passed by the O.P and further be pleased to direct the management of FCI to reinstate the above complainant along with back wages, terminal benefits and all other benefits.

4. Ultimately this Tribunal vide order dated 03.02.2017 and 20.09.2016 respectively held the enquiry proceeding as unfair and improper and also held that the complainants were workmen in both cases. Thereafter the said order was challenged by the management by filing WP(L) No. 2921 of 2017 and W.P.(L) No. 5196 of 2017 before the Hon'ble High Court of Jharkhand at Ranchi and vide order dated 21.09.2023 the Hon'ble Jharkhand High Court was pleased to set aside the order dated 03.02.2017 passed in Compliant Case No. 01/2013 and order dated

20.09.2016 passed in Complaint Case No. 02/2013 by this Tribunal holding that the complainants are not workmen u/s 2(s) of the Industrial Dispute Act, 1947 and therefore this Tribunal has no jurisdiction to entertain the above complaint cases.

5. Considering the above pronouncement of the Hon'ble Jharkhand High Court, the proceeding of Complaint Case No. 01/2013 and 02/2013 are hereby dropped. All the petitions pending in these complaints are disposed of.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 24 अक्टूबर, 2025

का.आ. 1883.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कर्नाटक ग्रामीण बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलोर के पंचाट (43/2023) प्रकाशित करती है।

[सं. एल-12011/15/2023-आई.आर.(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 24th October, 2025

S.O. 1883.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 43/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore* as shown in the Annexure, in the industrial dispute between the management of Karnataka Gramin Bank and their workmen.

[No. L-12011/15/2023- IR (B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE, CAMP COURT At HYDERABAD

“Shram Sadan”,

G G Palya, Tumkur Road,

Yeswanthpur, Bangalore – 560 022.

DATED : 23rd SEPTEMBER 2025

PRESENT : **Smt. K P INDIRA B.A., LLB.**

Presiding Officer

C R No. 43/2023

I Party

The General Secretary,

Kaveri Grameena Bank Employees Union,
No. 1411/1, First Floor, 6th Cross,
Thyagaraja Road,

MYSORE – 570 024.

II Party

The Chairman,

Karnataka Gramin Bank,

Head Office, P O No. 55, No. 32, Sanganakal Road,
Gandhinagar,

BALLARI - 583 103.

Appearances

I Party : H Nagabhushan Rao

Advocate

II Party : M D Rangaswamy

Advocate

1. The Government of India, Ministry of Labour vide Order No. L-12011/15/2023-IR(B-I) dated 22.09.2023 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as “The Act”) (14 of 1947) referred the following Industrial Dispute to this Tribunal for adjudication:

SCHEDULE

“Whether the demand raised by Kaveri Grameena Bank Employees Union vide letter dated 27.11.2018 for regularization of the 229 contract labour (listed in the Annexure) working in the erstwhile Kaveri Grameena Bank directly as temporary messenger – cum – sweepers who have completed 240 days of continuous work in the preceding 12 months under section 25B of the I.D. Act 1947 is proper, legally and / or justified? If yes, what relief the workers concerned are entitled to and what directions, if any, are necessary in the matter?”

2. After registering the case the date of hearing was fixed as 05.12.2023 for appearance of parties. When the matter was taken up on 08.08.2025, both counsels appeared and filed an Memo in CR 33/2024 stating that in respect of the scheduled mentioned above already the Ministry had forwarded the reference and the matter is pending, hence, the instant matter can be closed and the matter be tried and adjudicated in C R No. 33/2024, hence, this Award.

AWARD

Reference is closed. Transmit.

(Dictated to Secretary to Court, transcribed by him, corrected and signed by me on 23.09.2025)

K P INDIRA , Presiding Officer

नई दिल्ली, 24 अक्टूबर, 2025

का.आ. 1884.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार हांगकांग और शंघाई बैंकिंग कॉर्पोरेशन के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलोर के पंचाट (01/2013) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई.आर.(बी-I)-130]

सलोनी, उप निदेशक

New Delhi, the 24th October, 2025

S.O. 1884.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 01/2013) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore* as shown in the Annexure, in the industrial dispute between the management of The Hongkong and Shanghai Banking Corporation and their workmen.

[No. L-12025/01/2025- IR (B-I)-130]

SALONI, Dy. Director

ANNEXURE

BEFORE THE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALOREDATED : 2nd September 2025PRESENT : **Smt. K P INDIRA B.A., LLB.**

Presiding Officer

ID No. 01/2013**I Party**

Sh. Kiran Kumar K V,
S/o Vijay Kumar,
Ground floor, No. 35, "Ashirvad", APC
Layout, 2nd Main, 3rd Cross,
Thindlu, Vidyaranyapura Post,
BANGALORE – 560 097.

II Party

The Manager,
The Hongkong and Shanghai Banking Corporation,
Jayanagar Branch, 84,
Gandhi Bazaar Main Road,
Basavanagudi,
BANGALORE – 560 004.

AppearancesI Party : **Shri C V Sheelvant**

Advocate

II Party : **Shri O P Agarwal**

Advocate

1. The Petition is filed under Sec 2-A(2) of the Industrial Disputes (Amendment) Act, 2010 (for brevity 'the Act') by the 1st Party workman / former employee of The Hongkong and Shanghai Banking Corporation who was terminated from Service vide letter dated 01.12.2011.

2. After registering the case the date of hearing was fixed as 08.02.2013. The II Party / Management filed their Counter Statement disputing the status of the Petitioner as a Workman as defined under the ID Act. Accordingly, a preliminary issue is framed by my learned predecessor as :

"Whether the applicant proves that he is a workman as defined U/s 2(s) of ID act, 1947?"

The said issue was treated as preliminary issue and the matter was posted for Evidence of I party on the said issue. Both parties led evidence and various documents came to be marked and arguments were heard from both sides and the said issue came to answered holding that the I Party was not a Workman as defined U/s 2(s) of the ID Act.

3. As the Preliminary Issue is answered holding that the I Party is not a workman as defined U/s 2(s) of the ID Act as per the proceedings dated 21.07.2025, the Industrial Dispute filed by the I Party does not survive, hence, the same is to be dismissed.

AWARD

Petition is dismissed as not maintainable since the Petitioner is not proved to be a workman as defined U/s 2(s) of the ID Act, 1947. Transmit

(Dictated to Secretary to Court, transcribed by him, corrected and signed by me on 02.09.2025)

K P INDIRA , Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2025

का.आ. 1885.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चेन्नई पोर्ट ट्रस्ट के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (22/2017) प्रकाशित करती है ।

[सं. एल-33012/2/2016-आई.आर.(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 27th October, 2025

S.O. 1885.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 22/2017) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of Chennai Port Trust and their workmen.

[No. L-33012/2/2016– IR (B-II)]

SALONI, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI**

Date: 30.09.2025

Present: SUSHIL KUMAR-II,

Presiding Officer

I.D.No.22/2017

BETWEEN

Sh.V.Mohan,
S/o, (Late) Varadhan,
No.392, 'D' Block,
Tamilnadu Slum Clearance Board,
Cemetery Road, Old Washermenpet,
Chennai-600 021.

: 1st Party/Petitioner

AND

1. The Chairman,
The Port Administrative Officer,
Chennai Port Trust,
Rajaji Salai, Chennai-600 001.
2. The Traffic Manager,
The Port Administrative Officer,
Chennai Port Trust,
Rajaji Salai, Chennai-600 001.

: II Party/Respondents

Appearance:

For the 1st Party/Petitioner : M/S. A.L. Rajendran, Advocate

For the II Party/Respondents : M/s. M.R. Dharanichander, Advocate

AWARD

The Central Government, Ministry of Labour and Employment vide its Order No.L-33012/2/2016-IR(B-II), dated 28.03.2017, referred the following Industrial Dispute to this Tribunal for adjudication.

The Schedule mentioned in that order is:

“ Whether the action of the management of Chennai Port Trust, is justified in terminating the probation and discharging Sh.V. Mohan from service with effect from 03.04.1985?. If so, to what relief is Sh.V. Mohan entitled to?”

The Petitioner submitted claim statement and stated that he was a permanent Mazoor employee (Shed and Whart) in the Port Trust under the control of the traffic Manager, the 2nd party herein and the first party was terminated from the service on 03.04.1985 as per Memo No.A1/2177/85/T dated 01.04.1985 without mentioning any reason therein.

2. The 1st party further submits that he was arrested by the M-1, Harbour Police without any valid reasons and filed Criminal case in CC No.2927 of 1983 in Crime No.230 of 1983 and the matter was informed to the 2nd party and however, the 1st party was acquitted from the charges and exonerated from the crime on 16th May 1988 by the XVI Metropolitan Magistrate Court, George Town, Chennai-600 001.

3. The 1st party humbly submits that he was suspended from the service immediately after the arrest and however after getting an order exonerating from the Hon'ble XVI M.M.Court, George Town, Chennai, the 1st party informed about the matter. But the 2nd party even before the order passed by the Hon'ble Court, took a decision unilaterally to discharge the service of the 1st party even without conducting enquiry. The 1st party received a register letter, suddenly without any justification cause, when the 1st party contacted no reply was furnished by the 2nd party.

4. The petitioner states that he was entitled for the subsistence allowances and evocating and revoking of the suspension order. Respondent terminated the petitioner service without any enquiry, without any notice and committed violation to the principal of natural justice.

5. The petitioner issued a legal notice on 29.11.2002 requesting to reinstate into service and submit the documents to the Respondent, but no reply was received. The petitioner sent another notice on 24.04.2014 it was replied by the Respondent. The petitioner submits that the delay was mainly caused by the second party. The petitioner prays for issuing direction to reinstate the first party into the service.

6. Per contra, Respondent replied that petitioner was appointed on 09.01.1982 as a Mazoor probationer he was arrested and prosecuted for the offence of theft in container yard on 18.03.1983, thereafter petitioner probation was terminated on 03.04.1985 and discharged from the service w.e.f 03.04.1985 although guilty was not proved beyond doubt and he submits a letter for reinstate into service and again his advocate sent letter dated 29.11.2002, which was replied on 14.12.2002. Petitioner advocate sent another letter dated 20.04.2005 and petitioner appeared in person alongwith one document of service termination.

7. The petitioner filed a appeal before first Respondent after the lapse of around 22 years, this appeal was rejected and petitioner was informed and he submits the claim before the Tribunal after a long cap of 30 years, petitioner was on probation, while he was arrested by the police his probation period service was terminated. He was not permanent employee, therefore, there was no need to hold any enquiry.

8. The petitioner filed the following documents and submits his affidavit to proof as his case.

Witnesses Examined:

For the 1st Party/Petitioner : Sh. V.Mohan, WW1

For the II Party/Respondents : Sh. K.Natarajan, MW1

Documents Marked:**On the Petitioner's side**

S. No.	Date	Documents	Exhibits
01	01.04.1985	Memo of Discharge issued by the 2 nd Respondent	W1
02	16/05.1988	Judgement of 16 th M.M. Court, George Town, Chennai	W2
03	12.04.200	Letter addressed to the 1 st Respondent by the Petitioner	W3
04	29.11.2002	Legal notice sent though his counsel to the 1 st Respondent	W4
05	20.04.2005	Letter addressed to the 1 st Respondent	W5

		By the Petitioner	
06	14.12.2002	Reply letter sent by the Secretary to the Petitioners Counsel	W6
07	09.05.2005	Reply letter sent by the Deputy Traffic Manager, C.P.T. to the Petitioner	W7
08	05.11.2013	Letter sent to the Chief Justice, Madras High Court	W8
09	03.12.2013	Reply sent by the Traffic Manager, Chennai Port Trust	W9
10	25.04.2014	Legal notice sent to the 1 st Respondent by the Petitioner	W10
11	28.04.2014	Acknowledgement received by the 1 st Respondent	W11
12	25.04.2014	Legal notice sent by the Petitioner to the 2 nd Respondent	W12
13	28.04.2014	Acknowledgement received by the 2 nd Respondent	W13
14	Nil	Reply sent by the Respondent 1 & 2 to the Petitioner's Counsel	W14

9. The Respondent submits the following evidence along with affidavit in proof of their reply.

Documents Marked:

On the Respondent's side

S. No.	Date	Documents	Exhibits
01	01.04.1985	Termination of Probation Order	M1
02	16.05.1988	Judgement of 16 th M.M. Court, George Town, Chennai	M2
03	29.11.2002	1 st Party sent a letter dated 12.04.200 and another letter dated 29.11.2002 through his Advocate	M3
04	14.12.2002	2 nd Party sent a letter dated 12.12.2002 to the 1 st Party	M4
05	20.04.2005	1 st Party Appeal letter to the 2 nd Party	M5
06	12.07.2005	2 nd Party Rejection of Appeal by the Chairman	M6
07	28.05.2013	1 st Party letter to 2 nd Opposite Party	M7
08	02.07.2013	2 nd Opposite Party rejected the Appeal of the 1 st Party	M8
09	17.02.2014	2 nd Opposite Party rejected the Appeal of the 1 st party (Inter Department Note)	M9
10	25.04.2014	1 st Party Legal Notice to 2 nd Opposite Party	M10
11		Reply Notice given by the 2 nd Opposite Party	M11
12	05.02.2015	Claim Petition filed U/S 2A of the ID Act 1947 before the ALC,	M12
13	20.04.2015	Reply letter given by the 2 nd Opposite party before RLC	M13
14	20.09.2016	Failure Report given by RLC	M14
15	20.09.2016	Failure Report given Ministry	M15
16	1977	The Madras Port Trust Employees (Appointment, Promotion, Etc.) Regulations 1977	M16
17	1988	The Madras Port Trust Employees (Classifications, Control and Appeal Regulations 1988	M17
18		Office Manual Vol-IV	M18

10. Heard Learned counsel appeared for petitioner. None appeared on behalf of the Respondent. On the basis of the facts mentioned in claim statement and reply filed by the Respondent the first point of discretion that arises is

whether the claim is barred for time. Leaned counsel appearing for petitioner argued that criminal case in CC No.2927 of 1983 was ended acquittal on 16.05.1988, mean time petitioner was discharged from service on 01.04.1983 without mentioning any reason. After acquittal in criminal case petitioner was entitled for the revoking of suspension order. He further argued that on 12.11.2002 notice sent to the Respondent and legal notice was sent on 29.11.2002 on the basis of reply dated 12/2012 relevant who sent to the second Respondent again on 24.00.2022 and letter was sent by the petitioner again on 25.04.2014. The petitioner sent a legal notice therefore the delay was mainly caused only by the Respondents.

11. This reference was referred by the Central Government Under section 10 of ID Act. 1947, there is no prescribed limitation for referring Industrial Dispute. Under Section 2A (Inserting it 15.09.2010) the limitation period three years.

12. The petitioner Opt to remain silence after his termination in 1983, he failed to seek available remedy within reasonable period of limitation. He could not approach Labour Authority as per his connivance and sweet well.

13. In the case the **State of Odisha and Ors. -Vs- Sunanda Mahakuda, MANU/SCOR/59150/2021**. The Hon'ble Supreme Court held that one can not walk into the supreme Court without any reasonable period of limitation.

In the case **Uttar Pradesh -Vs- Arvind Kumar Srivasava MANU/SC/0948/2014** the Hon'ble Court held that the Respondent (claimant) did not challenge their cancellation order for a period of nine years which, suggests he had accepted to cancellation of the appointment.

14. In the present case in hand, the Petitioner right to get the extension of limitation on the ground issuance of notice/Legal notice and issuance answer on such notices by the Respondent do not extend the time of limitation. Issuance of notice/legal notice do not extend the period of limitation. Admittedly the petitioner was discharged on 01.04.1983 Ex.M.1, verified this fact, As per the document Ex.M.2, letter dated 16.05.1988 and Ex.11, letter dated 29.11.2002 establish that delay solely caused by the petitioner and not by the Respondent. Ex.M4, reveals that the Respondent replies on 04.12.2002 and asked to submit for documents, this letter was replied by the claimant on 20.04.2005 (Ex.M5), again it is the petitioner who committed fault in submitting the requested document. Ex.M10 reveals the legal notice issued on 25.04.2014 after a long gap, Which further suggest delaying behaviour of the petitioner. Thus, the claim is time Barred.

Award is answered accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2025

का.आ. 1886.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एनएलसी इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, चेन्नई** के पंचाट (सन्दर्भ संख्या **64/2022**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **19/10/2025** को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर.(सी.एम-1)]

सलोनी, उप निदेशक

New Delhi, the 27th October, 2025

S.O. 1886.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Reference.I.D.No. 64/2022) of the Central Government Industrial Tribunal-cum-Labour Court, CHANNAI as shown in the Annexure, in the industrial dispute between the Management of NLC India Limited and their workmen, received by the Central Government on 19/10/2025.

[No. L-22013/01/2025- IR (CM-I)]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT, CHENNAI

ID No. 64/2022

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 15-10-2025

Sh. S. Dass,

S/o Sabrinathan,

Door No.Z19, Kothamalai Street,

Block-4, Neyveli-607 801 : 1st Party/Petitioner

AND

1. The Managing Director

Tentacle Square Squads Pvt. Ltd.

MIG-306, TNHB, Phase-II, 3rd Main Road

Nolambur, Chennai 600037 : First Respondent

2. The General Manager

M/s. NLC India Limited

Township Administration

Neyveli – 607801 : Second Respondent

Appearance:

For the 1st Party/Petitioner : None

For the Respondent No.2 : M/s. N. Nithianandam

Award

The Central Government, Ministry of Labour & Employment vide its Order No. 01/08/2021/PDY/Adj/A1 dated 01.07.2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the claim of Shri S. Dass alleging termination of employment w.e.f. 18.08.2020 by the management of Tentacle Seure Squads P Ltd (NLC Contractor) is legal and justified? If not, to what relief, the workman is entitled to?”

2. On receipt of the above reference dated 30.06.2022 from the appropriate Government, the dispute was registered as ID No. 64/2022 and due notices were issued to both the parties for their appearance fixing the case to 27.09.2022. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 17.11.2022, 15.02.2023, 14.08.2023 and 28.08.2024. The Petitioner did not turn up whereas the Second Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 30.06.2022 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 01.08.2025 and 29.09.2025. The Petitioner did not turn up nor was any authorized representative of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioner. The R1 was not present, whereas R2 was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal. The case was reserved for Final Order.

4. In view of the discussion held supra, it is crystal clear that the petitioner has got no interest to proceed with the case. Thus, the Tribunal is not in a position to adjudicate the dispute as referred by the Appropriate Government, as there exists no Industrial Dispute for adjudication as per the reference.

5. In the result the reference is answered against the petitioner.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2025

का.आ. 1887.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एनएलसी इंडिया लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, चेन्नई के पंचाट (सन्दर्भ संख्या 63/2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/10/2025 को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर.(सी.एम-1)]

सलोनी, उप निदेशक

New Delhi, the 27th October, 2025

S.O. 1887.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Reference.I.D.No. 63/2022) of the Central Government Industrial Tribunal-cum-Labour Court, CHANNAI as shown in the Annexure, in the industrial dispute between the Management of NLC India Limited and their workmen, received by the Central Government on 19/10/2025.

[No. L-22013/01/2025- IR (CM-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM - LABOUR COURT, CHENNAI

ID No. 63/2022

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 15-10-2025

Sh.K. Ganapathy,

1/213, South Street, Ammeri Post,

Akokkankuppam,

Vridhachalam TK

: 1st Party/Petitioner

AND

1. The Managing Director

Tentacle Square Squads Pvt. Ltd.

MIG-306, TNHB, Phase-II, 3rd Main Road

Nolambur, Chennai 600037

:

First Respondent

2. The General Manager

M/s. NLC India Limited

Township Administration

Neyveli – 607801

:

Second Respondent

Appearance:

For the 1st Party/Petitioner

:

None

For the Respondent No.2

:

M/s. N. Nithianandam

Award

The Central Government, Ministry of Labour & Employment vide its Order No. 01/34/2021/PDY/ADJ/A1 dated 30.06.2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the claim of Shri K. Ganapathy alleging termination of employment w.e.f. 18.08.2020 by the management of Tentacle Seque Squads P Ltd (NLC Contractor) is legal and justified? If not, to what relief the workman is entitled to?”

2. On receipt of the above reference dated 30.06.2022 from the appropriate Government, the dispute was registered as ID No. 63/2022 and due notices were issued to both the parties for their appearance fixing the case to 27.09.2022. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 17.11.2022, 15.02.2023, 14.08.2023 and 28.08.2024. The Petitioner did not turn up whereas the Second Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 30.06.2022 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 01.08.2025 and 29.09.2025. The Petitioner did not turn up nor was any authorized representative of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioner. The R1 was not present, whereas R2 was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal. The case was reserved for Final Order.

4. In view of the discussion held supra, it is crystal clear that the petitioner has got no interest to proceed with the case. Thus, the Tribunal is not in a position to adjudicate the dispute as referred by the Appropriate Government, as there exists no Industrial Dispute for adjudication as per the reference.

5. In the result the reference is answered against the petitioner.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2025

का.आ. 1888.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एनएलसी इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, चेन्नई के पंचाट (सन्दर्भ संख्या 62/2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/10/2025 को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर.(सी.एम-1)]

सलोनी, उप निदेशक

New Delhi, the 27th October, 2025

S.O. 1888.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Reference.I.D. No. 62/2022) of the Central Government Industrial Tribunal-cum-Labour Court, CHANNAI as shown in the Annexure, in the industrial dispute between the Management of NLC India Limited and their workmen, received by the Central Government on 19/10/2025.

[No. L-22013/01/2025- IR (CM-I)]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT, CHENNAI
ID No. 62/2022

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 15-10-2025

Sh.A. Balamurugan,
 321, 11th Main Street, Indira Nagar,
 Rehabilitation Centre, Neyveli : 1st Party/Petitioner
AND

1. The Managing Director
 Tentacle Square Squads Pvt. Ltd.
 MIG-306, TNHB, Phase-II, 3rd Main Road
 Nolambur, Chennai 600037 : First Respondent
2. The General Manager
 M/s. NLC India Limited
 Township Administration
 Neyveli – 607801 : Second Respondent

Appearance:

For the 1st Party/Petitioner : None
 For the Respondent No.2 : M/s. N. Nithianandam

Award

The Central Government, Ministry of Labour & Employment vide its Order No. 01/33/2021/PDY/ADJ/A1 dated 30.06.2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the claim of Shri A. Balamurugan alleging termination of employment w.e.f. 18.08.2020 by the management of Tentacle Square Squads P Ltd (NLC Contractor) is legal and justified? *If not, to what relief the workman is entitled to?*”

2. On receipt of the above reference dated 30.06.2022 from the appropriate Government, the dispute was registered as ID No. 62/2022 and due notices were issued to both the parties for their appearance fixing the case to 26.09.2022. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 17.11.2022, 15.02.2023, 14.08.2023 and 28.08.2024. The Petitioner did not turn up whereas the Second Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 30.06.2022 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 01.08.2025 and 29.09.2025. The Petitioner did not turn up nor was any authorized representative of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioner. The R1 was not present, whereas R2 was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.
3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal. The case was reserved for Final Order.
4. In view of the discussion held supra, it is crystal clear that the petitioner has got no interest to proceed with the case. Thus, the Tribunal is not in a position to adjudicate the dispute as referred by the Appropriate Government, as there exists no Industrial Dispute for adjudication as per the reference.
5. In the result the reference is answered against the petitioner.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2025

का.आ. 1889.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एनएलसी इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, चेन्नई के पंचाट (सन्दर्भ संख्या 61/2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/10/2025 को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर.(सी.एम-1)]

सलोनी, उप निदेशक

New Delhi, the 27th October, 2025

S.O. 1889.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Reference.I.D.No. 61/2022) of the Central Government Industrial Tribunal-cum-Labour Court, CHANNAI as shown in the Annexure, in the industrial dispute between the Management of NLC India Limited and their workmen, received by the Central Government on 19/10/2025.

[No. L-22013/01/2025– IR (CM-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM - LABOUR COURT, CHENNAI

ID No. 61/2022

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 15-10-2025

Sh. E. Chandran,

1/122, Mariamman Kovil Street,

Akokkankuppam,

Ammeri Post,

Vridhachalam

: 1st Party/Petitioner

AND

1. The Managing Director

Tentacle Square Squads Pvt. Ltd.

MIG-306, TNHB, Phase-II, 3rd Main Road

Nolambur, Chennai 600037

: First Respondent

2. The General Manager

M/s. NLC India Limited

Township Administration

Neyveli – 607801

: Second Respondent

Appearance:

For the 1st Party/Petitioner

: None

For the Respondent No.2

: M/s. N. Nithianandam

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. 01/32/2021/PDY/ADJ/A1 dated 30.06.2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the claim of Shri E. Chandran alleging termination of employment w.e.f. 18.08.2020 by the management of Tentacle Seure Squads P Ltd (NLC Contractor) is legal and justified? *If not, to what relief the workman is entitled to?*”

2. On receipt of the above reference dated 30.06.2022 from the appropriate Government, the dispute was registered as ID No. 61/2022 and due notices were issued to both the parties for their appearance fixing the case to 26.09.2022. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 17.11.2022, 15.02.2023, 14.08.2023 and 28.08.2024. The Petitioner did not turn up whereas the Second Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 30.06.2022 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 01.08.2025 and 29.09.2025. The Petitioner did not turn up nor was any authorized representative of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioner. The R1 was not present, whereas R2 was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal. The case was reserved for Final Order.

4. In view of the discussion held supra, it is crystal clear that the petitioner has got no interest to proceed with the case. Thus, the Tribunal is not in a position to adjudicate the dispute as referred by the Appropriate Government, as there exists no Industrial Dispute for adjudication as per the reference.

5. In the result the reference is answered against the petitioner.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2025

का.आ. 1890.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्पाइस जेट लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, चेन्नई के पंचाट (सन्दर्भ संख्या 55/2023) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/10/2025 को प्राप्त हुआ था

[सं. एल-22013/01/2025-आई.आर.(सी.एम-1)]

सलोनी, उप निदेशक

New Delhi, the 27th October, 2025

S.O. 1890.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Reference.I.D.No. 55/2023) of the Central Government Industrial Tribunal-cum-Labour Court, CHANNAI as shown in the Annexure, in the industrial dispute between the Management of Spice jet Ltd. and their workmen, received by the Central Government on 19/10/2025.

[No. L-22013/01/2025- IR (CM-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM - LABOUR COURT, CHENNAI

ID No. 55/2023

Present: SUSHIL KUMAR-II, PRESIDING OFFICER

Date: 16-09-2025

Sh. K. Kumar Valluvar,

S/o Malaisamy,

No.291, Indira Nagar, VOP Vembathur,

Sivagangai,

Sivangangai District – 630 559

:

1st Party/Petitioner

AND

The General Manager,

M/s Spice Jet Ltd.,

No.319, Udyog Vihar,

Phase-IV, Gurugram,

Haryana-122 016.

:

2nd Party / Respondent**Award**

The Central Government, Ministry of Labour & Employment vide its Order No. M.8/6/2023/RM/Adj.A1 dated 15.09.2023 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of the Management of M/s Spice Jet Ltd., Gurugram, Haryana in terminating the service of Shri M. Kumar Valluvar, Pushback Operator on 29.12.2020 during COVID 19 pandemic without initiating disciplinary proceedings and by not following the principles of natural justice is legal and justified? If not, to what relief Shri M. Kumar Valluvar, Pushback Operator is entitled to?”

2. On receipt of the above reference dated 07.11.2023 from the appropriate Government, the dispute was registered as ID No. 55/2023 and due notices were issued to both the parties for their appearance fixing the case to 27.12.2023. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournment to 27.02.2024. The counsel for the petitioner filed only vakalat. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 15.09.2023 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 16.09.2025. The Petitioner did not turn up nor were any authorized representatives of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioner. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal.

4. In view of the discussion held supra, it is crystal clear that the petitioner has got no interest to proceed with the case. Thus, in the result the reference is answered against the petitioner.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2025

का.आ. 1891.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एनएलसी इंडिया लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, चेन्नई के पंचाट (सन्दर्भ संख्या 11/2024) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/10/2025 को प्राप्त हुआ था

[सं. एल-22013/01/2025-आई.आर.(सी.एम-1)]

सलोनी, उप निदेशक

New Delhi, the 27th October, 2025

S.O. 1891.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Reference.I.D.No.11/2024) of the Central Government Industrial Tribunal-cum-Labour Court, CHANNAI as shown in the Annexure, in the industrial dispute between the Management of NLC India Limited and their workmen, received by the Central Government on 19/10/2025.

[No. L-22013/01/2025– IR (CM-I)]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT
CHENNAI

ID No. 11/2024

Present: SUSHIL KUMAR-II, PRESIDING OFFICER

Date: 16-09-2025

The Special Secretary,
 NLC Jeeva Oppandha Thozhilargal Sangam,
 Door No.1, Panruti Main Road,
 Krishna Maravadi (Near),
 Abathanapuram, Vadalur,
 Cuddalore District – 607 303 : 1st Party/Petitioner

AND

The Chairman cum Managing Director,
 M/s NLC India Limited,
 Corporate Office,
 Neyveli- 607 807 : 2nd Party / 1st Respondent

The Managing Director,
 M/s NLC Incoserve & Howsicos,
 Opp. To Thermal Power Station-1,
 Neyveli-707 807 : 2nd Party / 2nd Respondent

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. 1/6/2023/PDY/ 300059043/ ADJ/A1 dated 16.01.2024 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the following 16 point Charter of demands raised by NLC Jeeva Oppandha Thozhilalar Sangam against the management of 1) M/s NLC India Limited 2) NLC Indcoserve & Howsicos is fair, legal and justified? If not, to what relief the applicant NLC Jeeva Oppandha Thozhilalar Sangam is entitled to?”

Charter of demands:-

1.The management should regularize the employees effective from the date of Hon’ble Supreme Court Judgement (i.e.) 16.04.2013

2.For the preparation of eligible classification / designation of employees, a committee comprising management and the office bearers of NLC Jeeva Oppandha Thozhilalar Sangam, Neyveli should be constituted to submit its report/recommendation within a time frame.

3.Till such the period, a minimum of Rs.50,000/- per month per employee should be paid

4.Those who have given their land and houses to the NLC should be made permanent without any further delay. During the year 2009, NLC agreed to provide jobs to 50% of the Project Affected people (PAP). But management failed to keep its assurance.

5.Eradication of AMC and Non-AMC, Short Term and DMC system of classification of contract employees and they should be given medical book and other attendant benefits.

6.While preparing the seniority list during the year 2013 and 2020, names of some employees are not found. Such left out employees submitted their representations in time but the management did not consider including them. In this regard, WP No.21547 of 2021 was filed and an order was passed to consider the representation but the management still did not consider.

7.The management should extend the facility of medical assistance scheme and other monitory benefits to the contract and society employees on par with the permanent employees at the time of retirement. Such facilities should be extended to the dependents of the said employees also.

8.The Hanumanthappa Commission (National Commission of SC & ST) report file No.A12/Coal-28/SC/98-SSW IV should be fully implemented.

9.The welfare of the differently-abled contract and society employees should be protected and facility be extended wherever it is required as per guidelines of the state and central governments.

10.Minimum Bonus of 20% should be paid each and every year

11.Weekly off with wage should be provided to the employees

12.Society Employees who are absorbed into regular employees should be fixed in the W2 Cadre Grade. Existing WO, WOA Cadre should be abolished.

Con..3

13. The existing allowances are very low and the same be doubled

14.Housing facility should be provided to contract workers also and the NLC management should take care of maintenance

15.Company standing orders in Tamil language should be displayed in the Notice Boards.

16.While absorbing the society employees into the regular cadre, the whole-service from the date of joining with the private contractor should be taken into account. The existing system of settling the gratuity under the Contractor/Society before absorption should be dispensed with.

2. On receipt of the above reference dated 16.01.2024 from the appropriate Government, the dispute was registered as ID No. 11/2024 and due notices were issued to both the parties for their appearance fixing the case to 01.05.2024. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournment to 02.07.2024. The Petitioner did not turn up. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 16.01.2024 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite party. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 29.07.2025 and 16.09.2025. The Petitioner did not turn up nor were any authorized representative of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioner. The Respondent No.1 represented on 01.05.2024, 29.07.2025 and 16.09.2025. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal.

4. In view of the discussion held supra, it is crystal clear that the petitioner has got no interest to proceed with the case. Thus, in the result the reference is answered against the petitioner.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2025

का.आ. 1892.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (10/2016) प्रकाशित करती है

[सं. एल-12012/65/2015-आई.आर.(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 27th October, 2025

S.O. 1892.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 10/2016) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai as shown in the Annexure, in the industrial dispute between the management of Indian Overseas Bank and their workmen.

[No. L-12012/65/2015- IR (B-II)]

SALONI, Dy. Director

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT, CHENNAI**

Date: 30-09-2025

**Present: SUSHIL KUMAR-II,
PRESIDING OFFICER**

Industrial Dispute No. 10/2016

BETWEEN

Shri B.Velayutham,
S/o. Mr. Balarama Pillai,
No.1/101, Vannier Street,
Kanagamma Chatihiram,
Thiruvallur-631 024.

: 1st Party/Petitioner

AND

The General Manager
Indian Overseas Bank,
Industrial Relation Department,
Central Office, Anna Salai
Chennai-600 002. : II Party/Respondent

Appearance:

For the 1st Party/Petitioner : M/s. T.Ramkumar, Advocates

For the II Party/Respondent : M/s.K.K.Sivasshanmugam, Advocates

The Central Government, Ministry of Labour & Employment vide its Order No.L-12012/65/2015 (IR(B-II) dated 13-01-2016 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of the management of Indian Overseas Bank is justified in not considering the case of Shri B.Velayutham for absorption into the bank? If so, to what relief is Shri B.Velayutham is entitled?”

2. As per the claim statement filed by the Petitioner Shri B.Velayutham joined the service of the respondent bank in the year 1983 as temporary sweeper at Kanagamma Chathiram Branch. It is submitted that when the petitioner was appointed in service, no written order of appointment was issued to him. The petitioner submits that the duties and responsibilities assigned to him by the respondent bank were to sweep the premises of the said branch and further to keep the said premises clean and tidy for the whole day. Thereafter, he was transferred Adhambakkam branch in the year 1994, where he worked till 1996. The Petitioner was again transferred to Uthukkottai Branch of the respondent management and in the said branch he rendered his continuous service for the period between 1997 and 2000. It is submitted that in the said branch, the petitioner was the only sweeper employed by the respondent bank. In fact during his entire service with the respondent bank, he had been engaged in a permanent vacancy and he was required to work as that of a permanent messenger. It is submitted that while so, from the beginning of the month of June 2000, the Branch Manager of the respondent bank had been insisting the petitioner to resign his job as the management has proposed to engage a permanent workman in the place of the petitioner. However, the petitioner has refused to act as per the unreasonable demand of the respondent bank and requested the respondent bank to engage him continuously on permanent basis.

3. In the above circumstances, when the petitioner reported for duty on 01.09.2000, to his shock and surprise, he was not allowed to discharge his work and the Branch Manager of the respondent bank had informed him that in his place one Kamala has been appointed in the said branch as a sweeper and further gave assurance that he will be given employment in other branches of the respondent bank.

4. It is submitted that termination of the petitioner's services by the respondent bank is illegal, arbitrary and unconstitutional and also amounts to retrenchment within the meaning of Section 2(oo) of the Industrial Disputes Act, 1947. It is submitted that before terminating his services, the respondent management neither obtained any prior permission nor had given any retrenchment compensation to the petitioner. The Petitioner was not issued any prior notice to termination. In as much as the petitioner has put in more than 17 years of continuous service, the conditions precedent laid down under Section 25F and Section 25 N not having been complied with and therefore, the impugned termination of the petitioner's service is void ab initio. The petitioner had been employed continuously without any break from the date of his initial appointment. By virtue of having worked continuously for over 480 days in the

period of two consecutive years, the petitioner was entitled to be absorbed in permanent service in accordance with law. The service of the petitioner was not regularized despite the length of his continuous, permanent nature of work. The act on the part of the respondent in keeping the petitioner as a temporary workman for about 14 years with the object of depriving him of the status of permanent worker and subsequently terminated his services without following the procedures laid down under law clearly shows the unfair labour practice adopted by the respondent. Therefore, the Petitioner prays for reinstatement into service with full back wages, continuity of service and other attendant benefits.

5. The petitioner submits that the act on the part of the respondent management in denying employment to the petitioner with effect from 01.09.2000 amounts to termination of his services. In the above circumstances, the petitioner was constrained to raise the Industrial Dispute against the termination of his services by the respondent seeking relief of reinstatement with back wages, continuity of service with all other attendant benefits.

6. In the counter statement, it is stated by the Respondent Bank that the petitioner has changed his claim in this petition as against the alleged termination from service instead of for his non-absorption of service. The question of reference and the claim of the first party made in this claim petition are totally different. This Hon'ble Tribunal has got authority to decide the dispute under reference and not any dispute claimed by the first party in his claim petition. The claim petition of the first party must be in consonance with the dispute of reference made by the government.

7. The first party has alleged in the claim petition that he had joined the second party bank during the year 1983 at Kanagama Chatham Branch and later he was transferred in the year 1994 to Adambakkam Branch and where he worked till 1996 and subsequently transferred to Uthukottai Branch from the year 1997 to 2000. The first party has admitted that he was not engaged by the bank after the year 2000. The alleged engagement of first party pertained to the records more than 20 years old. It is submitted by the second party bank that the P&L Vouchers are normally maintained in due course of business for only eight years. Thereafter, the P&L vouchers are destroyed. The first party has not produced any document in support of his claim of engagement by the second party bank along with his claim petition. The claim petition sans any proof, except the averment made in the claim petition. Under these circumstances, the first party is put to strict proof of his engagement in the service of the second party bank. The second party bank stoutly denies the engagement/employment for the first party in their service.

8. Further, it is submitted that the claim petition is not maintainable as it is filed after inordinate delay of 16 years from the alleged termination of his service on June 2000. The claim petition suffers from the laches of delay. It is submitted that the first party has filed the complaints with different agencies against the alleged termination of service. The second party bank has already conducted an investigation into the matter along with similar complaints made by another person Mr.P.Gopi Ganesh, who has filed I.D.No.7/2016 before this Tribunal. During the course of investigation, the first party has given a letter dated 17.06.2015 to the investigating officer of the second party bank stating that he is gainfully self-employed and running a tea shop and further stated that he made complaint of non-absorption into service at the insistence of Mr. Gopi Ganesh.

9. It is submitted that the claim of the first party is not bonafide. The first party is not a workman of the bank. Hence, he does not come under ambit of section 2(s) of Industrial Dispute Act, 1947. The dispute raised by him under section 2(A) of the Industrial Dispute Act, 1947 is consequentially not maintainable.

Witnesses Examined:

For the First Party Petitioner : NIL

For the 2nd Party/Management : MW1 Mrs.S.Vijayachamundeeswari,
Chief Manager, HDR Department

Documents Marked:

On the Petitioner's side: NIL

- Documents Marked:

On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M 1	18.06.2015	Investigation report on complaint received from Petitioner dated 18.06.2015
Ex.M2	17.06.2015	Copy of letter given by Petitioner to Investigating Officer of IOB

10. I have heard the Petitioner in person. None appeared on behalf of the Respondent. On perusal of reference, claim statement and reply filed by the Respondent, the point that arises for determination is whether the Industrial Dispute raised by the Petitioner is barred by time or not?

11. The Petitioner in the claim statement stated that he was removed from service in the year 2000. The

Petitioner was denied to join duty on 01.09.2000 by the Respondent bank. The reference was made by the Govt. of India on 13.01.2016. On perusal of reference, it appears that an order to refer the matter was passed on 05/01/2016. This order does not reflect the date on which Petitioner agitated the matter before the Central Government.

12. The Petitioner filed a document at page 4 of Index to typed set of papers dated 12.04.2016. This document suggests first representation was made on 04.11.2013. The 2nd representation was made on 23.06.2014 (copy at page 4). The 3rd representation was made on 08.07.2014 (copy at page 5). The 4th representation was made on 17.07.2014 (copy at page 6). The next representation was made on 21.07.2014, 26.07.2014, 04.08.2014, 11.09.2014 & 11.10.2014 (copy at pages 7, 8, 9, 10 & 11). All these stereotyped representations suggest the Petitioner observed silent from 01.09.2000 to 04.11.2013.

13. This reference was made by the Central Government u/s.10 of the Industrial Disputes Act, 1947. This Tribunal has obliged to examine whether the reference is made within the time frame legally? The Petitioner failed to seek available remedy within the period of limitation. Although, there is no limitation prescribed to refer the matter by the Central Government u/s.10 of the Act, in the case of State of Odisha Vs. Sunanda Mahakud (2021) SCC online 384 / MANU –SCOR/5/9/50/2021, the Hon'ble Supreme Court held that one cannot walk into Supreme Court under period of limitation.

14. In another case, state of UP v. Arvind Kumar Srivastava (MANU/SC/0948/2014, the Hon'ble Court held that Respondent (claimant) did not challenge his cancellation order for a period of nine years, which suggests that he had accepted the cancellation of appointment. In my view, this case law is squarely applicable to the facts of the present case in hand. The Petitioner submitted some representations before the Respondent as mentioned above. Issuance of notice belatedly does not extend the time of limitation.

AWARD

As per discussion above, this Industrial Dispute was filed by the Petitioner after a long gap of 16 years from the alleged date of removal from service, which is accordingly barred by limitation and liable for dismissal *in limini*, as not maintainable in accordance with the law. The reference is answered accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 27 अक्टूबर, 2025

का.आ. 1893.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा (पूर्ववर्ती विजय बैंक) के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलोर के पंचाट (36/2017) प्रकाशित करती है

[सं. एल-12012/58/2017-आई.आर.(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 27th October, 2025

S.O. 1893.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 36/2017) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore* as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda (erstwhile Vijay Bank) and their workmen.

[No. L-12012/58/2017– IR (B-II)]

SALONI, Dy. Director

ANNEXURE**BEFORE THE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE, CAMP COURT At HYDERABAD****Dated : 25th September, 2025****PRESENT : Smt. K P INDIRA B.A., LLB.****Presiding Officer****C R No. 36/2017****I Party**

Sri K Balakrishna,
S/o late Sri K M Anni,
Door No. 1-14-897/2, C/o Yashoda Alva,
Sundari nivasa, Behind Patrao Traders,
Ashoknagar Post, MANGALURU
- 575 006.

II Party

The General manager (Personnel),
Bank of Baroda (erstwhile Vijaya Bank)
Head Office, M G Road, Trinity Circle,
BANGALORE – 560 001.

Appearances**I Party : Devadasa Rao****Advocate****II Party : P Udayshanakar Rai****Advocate**

1. The Government of India, Ministry of Labour vide Order No. L-12012/58/2017-IR(B-II) dated 25.10.2017 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as “The Act”) (14 of 1947) referred the following Industrial Dispute to this Tribunal for adjudication:

SCHEDULE

“Whether the action of the Management of Vijaya Bank to deny back wages (14.05.2002 to 30.06.2010), Earned leave encashment, Pension, Provident fund Dues, Continuity of Service and other service and terminal benefits to Sri K. Balakrishna S/o Sri K M Anni is legal and justified? If not, to what relief Sri K.Balakrishna is entitled and what directions are necessary in that respect?”

2. After registering the case the date of hearing was fixed as 04.12.2018 for appearance of parties. Both parties appeared and filed their respective statements and a preliminary issue came to be framed on 23.01.2020 and the matter came to be posted for production of Domestic Enquiry Records. On 15.10.2020 the II Party Counsel produced seven documents and notice came to be issued to the I Party which returned with shara “Deceased”. Later a notice was sent to the I Party counsel which stood served. Though several opportunities were given to the I Party counsel to appear and take steps to bring LR’s on record, he did not avail the same nor he represented in the matter.

3. When the matter came to be posted on 16.09.2025, II Party counsel along with their witness were present. Since it was already reported that the I Party is no more and his LR’s are not brought on record, the matter came to be posted for Award. Hence, the following Award

AWARD**Reference stands Abated. Transmit.**

(Dictated to Secretary to Court, transcribed by him, corrected and signed by me on 25.09.2025)

K P INDIRA , Presiding Officer

नई दिल्ली, 28 अक्टूबर, 2025

का.आ. 1894.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टैंडर्ड चार्टर्ड बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलोर के पंचाट (66/2019) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई.आर.(बी-I)-131]

सलोनी, उप निदेशक

New Delhi, the 28th October, 2025

S.O. 1894.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 66/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore* as shown in the Annexure, in the industrial dispute between the management of Standard Chartered Bank and their workmen.

[No. L-12025/01/2025- IR(B-I)-131]

SALONI, Dy. Director

ANNEXURE**BEFORE THE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE**DATED : 1st September 2025PRESENT : **Smt. K P INDIRA B.A., LLB.**

Presiding Officer

I D No. 66/2019**I Party**

Sh. Sathyanarayana G K,
S/o Kashi Pathi Rao G,
No. 001, SSK Paradise,
Chennammanakere Achukatte,
Opp. BSL, BSK 3rd Stage,
BENGALURU – 560 085.

II Party

1. Head – Business Banking, India & ASA, Standard Chartered Bank, Crescenzo, 7th Floor, C-38/39, G Block, Opp. MCA Club, Bandra – Kurla Complex, Bandra (E), MUMBAI – 400 051.
2. The General Manager (HR), Standard Chartered Bank, no. 1/f, Vaishnavi Serenity, 112, Koramangala Industrial Area, 5th Block, Koramangala, BENGALURU – 560 095.

AppearancesI Party : **Shri Muralidhara**

Advocate

II Party : **Shri B C Prabhakar**

Advocate

1. The Petition is filed under Sec 2-A(2) of the Industrial Disputes (Amendment) Act, 2010 (for brevity 'the Act') by the 1st Party workman / former employee of the Standard Chartered Bank who was terminated from Service vide letter dated 10.12.2018.

2. After registering the case the date of hearing was fixed as 11.10.2019. The II Party / Management filed their Counter Statement on 13.08.2020 and the matter came to be posted for Evidence of I Party. I Party got examined himself as WW 1 and got marked Ex W-1 to Ex W-3 and as he did not tender himself for cross-examination, his evidence in chief came to be eschewed on 06.05.2025 and the matter came to be posted for Evidence of II Party. When the matter stood thus, the 1st Party filed a Memo stating that he is not pressing the

Petition for further proceedings as he has got alternative employment and requested the petition to be closed as not pressed.

3. Perused the records. The Petitioner has filed a Memo dated 13.08.2025 which bears the signature of the Petitioner / 1st Party and the same is seen counter signed by the learned counsel for the Petitioner on record. Therefore, in view of the above, the Memo is recorded and the prayer is allowed. The petition is thus dismissed as not pressed. Transmit.

AWARD

Petition is dismissed as not pressed. Transmit.

(Dictated to Secretary to Court, transcribed by him, corrected and signed by me on 01.09.2025)

K P INDIRA , Presiding Officer

नई दिल्ली, 28 अक्टूबर, 2025

का.आ. 1895.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलोर के पंचाट (03/2025) प्रकाशित करती है।

[सं. एल-39025/01/2025-आई.आर.(बी-II)-34]

सलोनी, उप निदेशक

New Delhi, the 28th October, 2025

S.O. 1895.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 03/2025) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore* as shown in the Annexure, in the industrial dispute between the management of Canara Bank and their workmen.

[No. L-39025/01/2025- IR(B-II)-34]

SALONI, Dy. Director

ANNEXURE

BEFORE THE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE, CAMP COURT At HYDERABAD

DATED : 1st SEPTEMBER 2025

PRESENT : **Smt. K P INDIRA B.A., LLB.**

Presiding Officer

ID No. 03/2025

I Party

Sh. Vithesh Kumar,

S/o Bheemaraya,

H. No. 5/5/353/9D, Hosalli Cross, Shri
Mata Manikeshwari Nagara,

YADGIR – 585 202.

II Party

Managing Director and CEO,

Canara Bank, Head Office,

J C Road,

BENGALURU – 560 002.

Appearances

I Party : **Sh. M Rama Rao**

Authorized Representative

II Party : Sh. P Udayashankar Rai

Advocate

1. The Petition is filed under Sec 2-A(2) of the Industrial Disputes (Amendment) Act, 2010 (for brevity 'the Act') by the 1st Party workman / former employee of the Canara Bank who was retrenched from Service w.e.f. 22.03.2024 illegally.

2. After registering the case the date of hearing was fixed as 16.04.2025 for appearance of parties. When the matter was taken up on 13.08.2025, both counsels appeared and I Party filed a Memo stating that in respect of the same point of dispute the Ministry had forwarded the reference and the matter is pending in CR No. 46/2025, hence, the instant matter can be closed and the matter be tried and adjudicated in C R No. 46/2025, hence, this Award.

AWARD**Petition is closed as withdrawn by the Petitioner. Transmit.**(Dictated to Secretary to Court, transcribed by him, corrected and signed by me on 1st September 2025)

K P INDIRA , Presiding Officer

नई दिल्ली, 28 अक्टूबर, 2025

का.आ. 1896.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कर्नाटक ग्रामीण बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलोर के पंचाट (48/2023) प्रकाशित करती है।

[सं. एल-12011/15/2023-आई.आर.(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 28th October, 2025

S.O. 1896.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 48/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore* as shown in the Annexure, in the industrial dispute between the management of Karnataka Gramin Bank and their workmen.

[No. L-12011/15/2023- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE, CAMP COURT At HYDERABADDATED : 14th AUGUST 2025PRESENT : **Smt. K P INDIRA B.A., LLB.**

Presiding Officer

C R No. 48/2023**I Party**

The General Secretary,
Kaveri Grameena Bank Employees Union,
No. 1411/1, First Floor, 6th Cross,
Thyagaraja Road,
MYSORE – 570 024.

II Party

The Chairman,
Karnataka Gramin Bank,
Head Office, P O No. 55, No. 32, Sanganakal Road,
Gandhinagar,
BALLARI - 583 103.

Appearances

I Party : H Nagabhushan Rao

Advocate

II Party : M D Rangaswamy

Advocate

1. The Government of India, Ministry of Labour vide Order No. L-12011/15/2023-IR(B-I) dated 22.09.2023 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as “The Act”) (14 of 1947) referred the following Industrial Dispute to this Tribunal for adjudication:

SCHEDULE

“Whether the demand raised by Kaveri Grameena Bank Employees Union vide letter dated 27.11.2018 for regularization of the 229 contract labour (listed in the Annexure) working in the erstwhile Kaveri Grameena Bank directly as temporary messenger – cum – sweepers who have completed 240 days of continuous work in the preceding 12 months under section 25B of the I.D. Act 1947 is proper, legally and / or justified? If yes, what relief the workers concerned are entitled to and what directions, if any, are necessary in the matter?”

2. After registering the case the date of hearing was fixed as 27.12.2023 for appearance of parties. When the matter was taken up on 08.08.2025, both counsels appeared and filed an Memo in CR 33/2024 stating that in respect of the scheduled mentioned above already the Ministry had forwarded the reference and the matter is pending, hence, the instant matter can be closed and the matter be tried and adjudicated in C R No. 33/2024, hence, this Award.

AWARD

Reference is closed. Transmit.

(Dictated to Secretary to Court, transcribed by him, corrected and signed by me on 14th August 2025)

K P INDIRA, Presiding Officer

नई दिल्ली, 28 अक्टूबर, 2025

का.आ. 1897.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टैंडर्ड चार्टर्ड बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलोर के पंचाट (68/2019) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई.आर.(बी-1)-132]

सलोनी, उप निदेशक

New Delhi, the 28th October, 2025

S.O. 1897.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 68/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore* as shown in the Annexure, in the industrial dispute between the management of Standard Chartered Bank and their workmen.

[No. L-12025/01/2025- IR(B-I)-132]

SALONI, Dy. Director

ANNEXURE

BEFORE THE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALOREDATED : 1st September 2025PRESENT : **Smt. K P INDIRA B.A., LLB.**

Presiding Officer

ID No. 68/2019**I Party**

Sh. Mustiaq Pasha,
S/o Abdul Salam,
No. 101, 6th Cross, 6th main Road,
Yarab Nagar, BSK 2nd Stage,
BENGALURU – 560 070.

II Party

1. Head – Business Banking, India & ASA, Standard Chartered Bank, Crescenzo, 7th Floor, C-38/39, G Block, Opp. MCA Club, Bandra – Kurla Complex, Bandra (E), MUMBAI – 400 051.
2. The General Manager (HR), Standard Chartered Bank, no. 1/f, Vaishnavi Serenity, 112, Koramangala Industrial Area, 5th Block, Koramangala, BENGALURU – 560 095.

Appearances

I Party : **Shri Muralidhara**
Advocate

II Party : **Shri B C Prabhakar**
Advocate

1. The Petition is filed under Sec 2-A(2) of the Industrial Disputes (Amendment) Act, 2010 (for brevity 'the Act') by the 1st Party workman / former employee of the Standard Chartered Bank who was terminated from Service vide letter dated 10.12.2018.

2. After registering the case the date of hearing was fixed as 11.10.2019. The II Party / Management filed their Counter Statement on 13.08.2020 and the matter came to be posted for Evidence of I Party. I Party got examined himself as WW 1 and got marked Ex W-1 to Ex W-3 and as he did not tender himself for cross-examination, his evidence in chief came to be eschewed on 06.05.2025 and the matter came to be posted for Evidence of II Party. When the matter stood thus, the 1st Party filed a Memo stating that he is not pressing the Petition for further proceedings as he has got alternative employment and requested the petition to be closed as not pressed.

3. Perused the records. The Petitioner has filed a Memo dated 13.08.2025 which bears the signature of the Petitioner / 1st Party and the same is seen counter signed by the learned counsel for the Petitioner on record. Therefore, in view of the above, the Memo is recorded and the prayer is allowed. The petition is thus dismissed as not pressed. Transmit.

AWARD

Petition is dismissed as not pressed. Transmit.

(Dictated to Secretary to Court, transcribed by him, corrected and signed by me on 01.09.2025)

K P INDIRA , Presiding Officer

नई दिल्ली, 29 अक्तूबर, 2025

का.आ. 1898.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट(एलसी/आर-76/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/10/2025 को प्राप्त हुआ था।

[सं. एल-22012/344/2005-आई.आर.(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 29th October, 2025

S.O. 1898.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. LC/R/76/2007**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on **24/10/2025**.

[No. L-22012/344/2005– IR (CM-II)]

SALONI, Dy. Director/Link Officer

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.**

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 76 OF 2006

PARTIES: Jiban Bouri
(dependent son of Late Kinkar Bouri)
Vs.
Management of Dhemomain Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.

For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 08.09.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/344/2005-IR(CM-II)** dated 04.10.2006 has been pleased to refer the following dispute between the employer, that is the Management of Dhemomain Colliery under Sodepur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of M/s. ECL for denial of employment to the dependant of Late Shri Kinkar Bouri as per the provisions of wage agreement / NCWA VI is legal and justified? If not, to what relief the dependent son of the ex-workman is entitled to ? ”

1. On receiving Order **No. L-22012/344/2005-IR(CM-II)** dated 04.10.2006 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 31.10.2006 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. The workman being represented by Mr. Rakesh Kumar, President, Koyala Mazdoor Congress filed written statement on 07.04.2015. Several opportunities were granted to the management of Eastern Coalfields Limited (hereinafter referred to as ECL) but no written statement was filed. On 14.01.2016 an order was passed by this Tribunal that ECL has not filed written statement after nine years and a last chance was granted to the management to file written statement. On 29.03.2016 an order was passed for ex-parte hearing of the case. No evidence was adduced by the union and the case was fixed up on 16.11.2016 for hearing of argument. On 06.09.2022 Mr. P. K. Das, learned advocate without any authorization sought for accommodation to argue the case on the basis of materials on record and law points involved. Since no evidence was adduced by any of the parties the union was granted opportunity to adduce evidence on 30.06.2023. Jiban Bouri, the dependent son was examined as Workman Witness No. 1 and documents were produced as Exhibit W-1 to W-12. Without filing any written statement Mr. P. K. Das, learned advocate examined Mrs. Gangula Meena Kumari as Management Witness No. 1 and produced documents as Exhibit M-1 to M-3.

3. Brief fact of the case as disclosed in the written statement of the union is that Kinkar Bouri, a Pump Khalasi was posted at Dhemomain Colliery under ECL. He died in harness on 14.08.1998 leaving behind Janki Bouri, his second wife and his dependent sons namely, Jiban Bouri and Milan Bouri and a daughter Rina Bouri. Further case of the union is that Tari Bouri, the first wife of Kinkar Bouri had predeceased Kinkar Bouri on 20.08.1992. The name of Tari Bouri and the sons out of first marriage are mentioned in the Service Record Excerpt (hereinafter referred to as SRE). The name of the second wife was not recorded in the SRE as the marriage took place in 1993. Initially, after the death of Kinkar Bouri his second wife Janki Bouri submitted application claiming employment for herself but as her name did not appear in the Service Record, she was neither provided with employment nor with monetary compensation. A second application for employment of Jiban Bouri, dependent son was submitted. Management held screening and medical test of Jiban Bouri but did not communicate their final decision. The claim for employment was not processed because Jiban Bouri was below eighteen years of age and the management did not keep his name in the Live Roster as per provision of Clause 9.5.0. of National Coal Wage Agreement – VI. The wife and son of Kinkar Bouri requested the management for providing employment to the dependent son but their request was not considered, as a result the Industrial Dispute had to be raised. The union prayed for providing employment to Jiban Bouri at the earliest and till such time prayed for pay monetary compensation to Janki Bouri, the second wife.

4. The short point for consideration is whether Jiban Bouri, the dependent son of Kinkar Bouri is entitled to any employment as per provisions of National Coal Wage Agreement (hereinafter referred to as NCWA) and whether the denial of employment to the dependent son by ECL is justified.

5. It transpires from the affidavit-in-chief of Jiban Bouri, that after the death of Kinkar Bouri, Janki Bouri his step-mother claimed for employment and payment of legal dues but management did not process the proposal for employment and did not pay the legal dues as her name did not appear in the Service Record. The witness further stated that he prayed before the management for including his name in the Live Roster till he attained eighteen years of age and for payment of monetary compensation to his mother but the proposal was not accepted for some reason. In his affidavit-in-chief the workman witness stated that he received Coal Mine Provident Fund and gratuity of his father. He also claimed to be eligible for employment and that his other family members issued no objection certificate in his favour for grant of employment. The witness produced the following documents :

- (i) Copy of Death Registration Certificate of Kinkar Bouri has been produced as Exhibit W-1.
- (ii) Copy of Identity Card of Kinkar Bouri, as Exhibit W-2.
- (iii) Copy of SRE of Kinkar Bouri, as Exhibit W-3.
- (iv) Copy of application of Jiban Bouri and Milan Bouri to the Agent of Dhemomain Colliery for providing employment to their mother, as Exhibit W-4.
- (v) Copy of application of Janki Bouri, for providing her employment to her, as Exhibit W-5.
- (vi) Copy of application of Janki Bouri dated 02.11.2001 to the Manager, Dhemomain Colliery, nominating Jiban Bouri for employment in her place, as Exhibit W-6.
- (vii) Copy of application of Jiban Bouri and Milan Bouri to the Manager of Dhemomain Colliery for payment of gratuity, LCS and other dues in respect of their deceased father, as Exhibit W-7.
- (viii) Copy of letter dated 21.02.2011 issue by the Manager, Dhemomain Group addressed to Jiban Bouri, regarding irregularities in Employment File, as Exhibit W-8.
- (ix) Copy of letter dated 27.09.2011/01.10.2011 issue by the Manager, Dhemomain Group addressed to Jiban Bouri, regarding screening test, as Exhibit W-9.
- (x) Copy of letter dated 16/17.02.2012 issued by the Dy. Manager (Personnel), Sodepur Area addressed to the Dy. Manager (Personnel), Dhemomain Group, as Exhibit W-10.
- (xi) Copy of Death Registration Certificate of Tari Bouri, as Exhibit W-11.
- (xii) Copy of Application of Jiban Bouri addressed to the Agent, Dhemomain Colliery, praying for employment, Exhibit W-12.

6. In cross-examination the witness stated that he prayed for employment two years after death of his father. He also admitted that the dues of his father from the management of ECL has been paid to him. The witness denied the suggestion that he delayed in claiming for employment and for such reason his prayer for employment was turned down.

7. Mrs. Gangula Meena Kumari has been examined as Management Witness No.1. In her affidavit-in-chief she stated that screening was done for providing employment to the dependent son at Colliery and Area levels. Initial Medical Examination (hereinafter referred to as Initial Medical Examination) was conducted and during the

examination held on 08.03.2013 the age of Jiban Bouri was assessed as 20 to 25 years on 08.03.2013. His age was thereby assessed as 22 years and 6 months on the date of assessment and his Date of Birth was notionally calculated as 08.09.1990. the management witness deposed that at the time of death of Kinkar Bouri, Jiban Bouri was less than fifteen years of age and he was not eligible for his name being maintained in the Live Roster. The management witness produced the following documents :

- (i) Copy of the SRE of Kinkar Bouri is produced as Exhibit M-1.
- (ii) Copy of the Report of the Initial Medical Examination of Jiban Bouri, as Exhibit M-2.
- (iii) Copy of the letter dated 03.08.2013 issued by the Manager (Personnel/Empl)/WD to the Chief Manager (Personnel)/IC, Sodepur Area, as Exhibit M-3.

8. Mr. Rakesh Kumar, union representative argued that the name of Jiban Bouri appeared in the SRE of the deceased employee and according to the provisions of Clause 9.3.4 of NCWA the dependent son of the deceased employee was found physically fit for employment and more than 12 years of age on the date of death of his father, therefore his name was required to be maintained in the Live Roster of the employer company as per Clause 9.5.0 (iii) and on attaining 18 years of age the dependent son should be provided with employment. Mr. Kumar submitted that in the instant case the management in their report of medical examination in Form 'O' (Exhibit M-2) stated that Jiban Bouri appeared to be 20 to 22 years of age on the date of examination i.e. on 03.04.2013 and he was found fit for employment. In the SRE (Exhibit M-1) management has recorded the age of Jiban Bouri as 4 years as on 01.04.1987. Therefore, as per provisions of Clause 9.5.0 (iii) of NCWA-VI which came into force on 01.07.1996, the dependent son was within the eligible age limit for maintaining his name in the Live Roster. It is urged that Jiban Bouri had already completed 12 years of age at the time of his father's death which is the minimum age required for inclusion in the Live Roster. It is argued that the letter issued by the Manager (Personnel/Empl)/WD dated 03.08.2013 (Exhibit M-3) addressed to the Chief Manager (Personnel)/IC, Sodepur Area, stating that the higher authority has expressed his inability to consider the case since Jiban Bouri was minor and was below the age of 15 years on the date of death of his father. It is strenuously argued that the management under misconception of the provisions of NCWA has issued the letter disregarding the fact that at the time of death of Kinkar Bouri in August 1998, NCWA-VI was in force and a male dependent having completed the age of 12 years was eligible to be maintained in the Live Roster. It is claimed that this is a fit case where the dependent son of the deceased employee is entitled to get employment as per settled rules and the management cannot deny employment to a dependent of an employee who died in harness.

9. Mr. P. K. Das, learned advocate argued that Jiban Bouri was far below the age of 12 years on the date of death of his father as such he is not entitled to get employment.

10. I have considered the materials on record, evidence adduced and the argument advanced on behalf of the union and management. In this case the management of ECL has not filed any written statement to disclosed the stand taken by them. The management neither has a case that delay in submitting the application by the dependent son has disqualified him for employment nor has they come out with any specific case that the dependent son did not satisfy the minimum age mentioned in the NCWA-VI for being considered for his employment on attaining majority. In the case of **Sukumoni Hembram alias Sukumoni Mejhan Vs. Union of India and Others [MAT 27 of 2024]** the Hon'ble Division Bench of the Hon'ble High Court at Calcutta held :

“ NCWA is a negotiated agreement that has been arrived at between the employer and the employees. It is a settlement under section 2 (p) of the Industrial Disputes Act, 1947 and has binding effect on the parties thereto under section 18 (3) of the Act of 1947. NCWA has made provisions for compassionate appointment for the dependents of the deceased employee. ”

On death of Kinkar Bouri on 14.08.1998 at the Colliery. Janki Bouri, the second wife filed an application for providing employment in place of her husband (Exhibit W-5). The application of Janki Bouri for her employment and payment of legal dues was not processed by the management nor did the management communicate anything to Janki Bouri as reasons for her disqualification. Jiban Bouri thereafter submitted his application on 10.02.2000, praying for his employment as a dependent son (Exhibit W-12), disclosing that he had turned an adult and employment may be provided to him. From the SRE produced by the management witness it appears that the name of Jiban Bouri was recorded in the SRE and his age as on 01.04.1987 was recorded as 4 years (Exhibit M-1). From the age mentioned in SRE the age of Jiban Bouri is computed as 15 years 4 months and 14 days on the date of death of his father. From the copy of SRE produced by the management, I find that Jiban Bouri had already attained the age of 15 years on the date of death of his father i.e., 14.08.1998. Therefore, as per provisions of Clause 9.5.0 of NCWA-VI, which became applicable from 01.07.1996, the management of ECL was duty bound to maintain the name of minor son in the Live Roster of the company for providing him with employment on his attaining 18 years. The nonchalant conduct of ECL officials in not providing employment to the dependent son of the deceased is untenable. In the instant case after submission of application by Jiban Bouri on 10.02.2000, claiming employment as a dependent, followed by submission of necessary documents on 02.11.2001, the management of ECL arranged for IME of Jiban Bouri on 08.03.2013. It appears that the management failed to take prompt action and delayed the matter by more than a decade

only to frustrate the case of dependent son of the deceased employee. For no reason management wasted twelve (12) valuable long years in holding IME only to find him fit for employment. The Area Medical Officer on the basis of his appearance assessed the age of Jiban Bouri between 20 to 25 years on the date of examination i.e., 03.04.2013. From the evidence of the Management Witness No.1, it appears that the IME was held on 08.03.2013 and from the report produced as Exhibit M-2 it is gathered that the examination was held over a period of time, ranging from 08.03.2013 till 03.04.2013. The audiometry test was done on 02.04.2013. As per the report of IME the age of Jiban Bouri, on eye assessment (as per appearance) was computed as 22 years and 6 months on 08.03.2013 and his date of birth was calculated as 08.09.1990. This assessment of age is self-contradictory and palpably erroneous, hence cannot be accepted. The SRE produced by the management as Exhibit M-1 reveals that on 01.04.1987 Jiban Bouri was four (4) years of age and his physical existence is an indelible truth. The contradictory and unfounded statement of the management that Jiban Bouri's date of birth was 08.09.1990 therefore does not reconcile with their SRE. Only for the purpose of depriving the dependent son from getting an employment under the company as per the agreed terms of NCWA, the management contended that Jiban Bouri was less than 12 years of age on the date of death of his father without considering their own document (Exhibit M-1). This stand of ECL is contrary to the provisions of NCWA-VI. It is explicit from the evidence on record that Jiban Bouri, the dependent son was within the eligible age limit for being included in the Live Roster on the date of death of his father. According to NCWA there is no time limit for claiming employment as a dependent. The petitioner has filed his application within a reasonable time. Therefore, I hold that Jiban Bouri, son of Late Kinkar Bouri is entitled to employment under ECL as per provisions of NCWA-VI. The action of the management in denying employment to the dependent son despite fulfilment of necessary age criteria and being declared fit for employment is arbitrary, illegal and untenable. The management has deliberately delayed taking effective action and has caused immense suffering to the family of the deceased employee. Under the fact and circumstances discussed above the management of ECL is directed to provide employment to Jiban Bouri, son of Kinkar Bouri within one month from the date of communication of the Award. Any further delay in the matter would entitle the dependent son to compensation equivalent to the last monthly wage drawn by the deceased employee till employment is provided.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest. Jiban Bouri, son of Late Kinkar Bouri is entitled to employment under the management of Eastern Coalfields Limited. The management of Eastern Coalfields Limited is directed to provide employment to Jiban Bouri within one month from the date of communication of the Award. In default, the petitioner son shall be entitled to compensation equivalent to the last monthly wage drawn by the deceased employee till employment is provided. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 29 अक्टूबर, 2025

का.आ. 1899.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार आद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल केपंचाट(एलसी/आर-75/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/10/2025 को प्राप्त हुआ था।

[सं. एल-22012/102/2007-आई.आर.(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 29th October, 2025

S.O. 1899.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/75/2007**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on **24/10/2025**.

[No. L-22012/102/2007- IR (CM-II)]

SALONI, Dy. Director/Link Officer

ANNEXURE
BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 75 OF 2007

PARTIES: Ch. Kalam Khan
Vs.
Management of Mines Rescue Station of M/s. ECL

REPRESENTATIVES:

For the Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress
For the Management of ECL: Mr. P.K. Das, Advocate

INDUSTRY: Coal.
STATE: West Bengal.
Dated: 18.08.2025

AWARD

On failure of conciliation proceeding, the Government of India through the Ministry of Labour, in exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), vide its Order **No. L-22012/102/2007-IR(CM-II)** dated 18.09.2007 has referred the following dispute between the employer, that is the Management of Mines Rescue Station of M/s. Eastern Coalfields Limited (hereinafter referred as ECL) and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of M/s. ECL in not correcting the date of birth Sh. Ch. Kalam Khan, which resulted in to his superannuation prematurely w.e.f.01.07.2007, is legal and justified? If not, to what relief is the workman entitled? ”

1. On receiving Order **No. L-22012/102/2007-IR(CM-II)** dated 18.09.2007 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 75 of 2007** was registered on 01.10.2007 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. R.K. Tripathi, union representative filed written statement on behalf of Ch. Kalam Khan, ex-employee of Mines Rescue Station, ECL on 05.11.2007. Management filed their written statement on 03.12.2009. Fact of the case as disclosed in the written statement of the union is that Ch. Kalam Khan was Employed as a Security Guard at Mines Rescue Station. He was appointed at Bejdih Colliery, ECL on 18.03.1974 and his father Hamid Khan was also employed at Bejdih Colliery at the relevant time. The workman was transferred to Poidi Colliery in the year 1979. According to the workman, his date of birth was recorded as 15.04.7956 at the time of his appointment as well as at the time of his transfer to Poidi Colliery. The discontent arose when after his transfer from Poidi Colliery to Mines Rescue Station at Sitarampur, in place of date of birth of the workman, only the year of birth of the workman was wrongly recorded as 1947 in the 'B' Form Register. The workman made various representation before the management for correcting his date of birth but the management of ECL did not pay any heed. It also contended that in the 'B' Form Register, the year of birth of Hamid Khan, his father is recorded as 1934 which implies that difference of age of the father and son is only thirteen years which is not possible. It is contended that the year of birth of Ch. Kalam Khan is wrongly recorded as 1947 due to which Ch. Kalam Khan has been superannuated from his service in unjust and premature manner. The workman raised an Industrial Dispute through the union after the conciliation had failed.

3. The management of ECL contested the case and in their written statement it is stated that Ch. Kalam Khan was posted at Mines Rescue Station on his transfer from Poidi Colliery on the basis of LPC issued from Poidi Colliery, the year of birth of the workman was recorded as 1947. The LPC was issued on 21.01.1997. According to the management, the same year of birth is recorded in the service register and the workman has put his signature in the register prepared in the year 1986. At Bejdih Colliery, the year of birth of the workman was also recorded as 1947. At the time of his joining service, the workman did not submit any document. The Chief Organising Secretary of the

union issued a letter on 20.08.2005 and raised the age dispute for the first time. Management of ECL contended that the workman has already superannuated from his service on 01.07.2007 and at this stage, the workman is not entitled to any relief. It is urged that the action of management is justified and the dispute raised by the workman is liable to be dismissed.

4. The short question which arose for consideration is whether management of ECL committed any illegality by not correcting the date of birth of Ch. Kalam Khan on the basis of his claim and whether the workman was superannuated in premature manner on 01.07.2007? If so, to what relief the workman is entitled?

5. In order to substantiate the case of the workman, union examined Ch. Kalam Khan who filed an affidavit-in-chief. In his affidavit, the workman stated that his date of birth was recorded in 'B' Form Register in both Bejdih Colliery and Poidi Colliery as 15.04.1956. On the last occasion when he was transferred to Mines Rescue Station at Sitarampur, his year of birth was wrongly recorded as 1947 instead of 1956. It is averred that he applied several times for correction of his year of birth in the service record but the higher authority and the local management did not consider his claim. The workman witness was cross-examined at length where he deposed that he had documents in support of his date of birth. In support of his statement WW-1 did not produce any document but stated that his date of birth is recorded in the voter identity card which he has already filed. From his cross-examination, it transpires that he himself did not disclose his date of birth to the officials preparing his voter card and basis of his date of birth in the voter card is what has been mentioned by the officials themselves. The workman witness further stated that no appointment letter was issued to him and a list of employees appointed at that time was published. The workman has already superannuated from his service of the company in the year 2007. He denied the suggestion that 1956 is not his year of birth.

6. Management examined Debashis Chakraborty as MW-1 who filed an affidavit-in-chief and was cross-examined on behalf of the workman. In his examination-in-chief, the witness deposed that the year of birth of Ch. Kalam Khan was recorded as 1947 in the original 'B' Form Register of the company. The entry in the 'B' Form Register against S.No. 336 has been marked as Exhibit M-1. The witness stated that 15.04.1956 is not the date of birth of Ch. Kalam Khan as claimed by him. In course of further examination-in-chief, the witness deposed that in the original 'B' Form Register of Bejdih Colliery under Sitarampur Area (currently Sodepur Area), entries in respect of Ch. Kalam Khan has been made against S.No. 680 and his year of birth has been recorded as 1947. The relevant entry of Ch. Kalam Khan has been marked as Exhibit M-2. In cross-examination the witness deposed that the Industrial Dispute has been raised after his retirement and the workman never raised any dispute regarding his age mentioned in the service record. It is denied that the age of the workman was wrongly changed or his age was increased at the time of his transfer to other Colliery.

7. Mr. Rakesh Kumar, union representative, arguing the case on behalf of Koyala Mazdoor Congress submitted that the date of birth of the workman was all through recorded as 15.04.1956, from the time of his appointment at Bejdih Colliery and at the time of his transfer from Bejdih to Poidi Colliery. It is at the later stage of service that his year of birth was wrongly recorded as 1947 instead of his actual date of birth which is 15.04.1956. It is argued that after several representations by the workman, the management did not assess the age of the workman as per II-76 under NCWA. Due to such illegal act on the part of ECL, the workman has been superannuated from the service in a premature manner, about nine years prior to his actual time of superannuation. It is argued that since the workman was entitled to remain in service until 30.04.2016, the workman should be compensated by the management equivalent to his pay he would have received if he was not prematurely retired in illegal manner.

8. In his reply, Mr. P.K. Das, learned advocate for ECL argued that the year of birth of the workman is recorded as 1947 in all records of the company and the workman was fully aware of all entries. The workman was aware about his year of birth at the time of his transfer to Mines Rescue Station in the year 1997. It is only at the time of his superannuation the workman raised dispute without any supporting documents to prove that his year of birth was 1956.

9. I have considered the arguments advanced on behalf of the workman and management and also perused their respective pleadings and evidence adduced. The dispute revolves round the date of birth of Ch. Kalam Khan entered in his service record at Mines Rescue Station, Sitarampur. The workman was appointed in the service of the company in the year 1974 at Bejdih Colliery. He has already rendered service for more than thirty three years. According to his claim, his date of birth was recorded as 15.04.1956 in 'B' Form Register of Bejdih Colliery and Poidi Colliery, the next place of his transfer. The workman however failed to produce any document to prove that his date of birth is 15.04.1956. During his cross-examination, the workman witness stated that his date of birth was recorded on basis of his voter identity card. Even if for argument sake this statement is considered correct, then the workman should have been a voter on the date of his appointment on 18.03.1974. If his date of birth is considered to be 15.04.1956 as claimed by him, the workman would have been less than 21 years and certainly would not have been allowed to vote. In the cross-examination which followed, the witness deposed that he did not disclose his date of birth to officials preparing his voter card and they themselves mentioned the date of birth in his voter ID Card. This statement would reveal that the workman did not have any supportive document for the entries made in the voter ID card. He failed to produce his appointment letter or any other document which bears his date of birth. The management witness on the other hand produced the original 'B' Form Register of Bejdih Colliery where the entries made against S.No. 680 have

been marked as Exhibit M-2. It appears from the entries made against S.No. 336 of the 'B' Form Register of Poidi Colliery that his year of birth was recorded as 1947 and he put his signature on the register after being satisfied with the entry. Similarly, Exhibit M-2 which is the original 'B' Form Register of Bejdih Colliery, the place of his first appointment, also reveals that his year of birth was recorded as 1947 and the date of birth did not appear as 15.04.1956. On considering the materials placed before this Tribunal, I have no hesitation to hold that the workman failed to produce any document in support of his date of birth claimed in the petition.

10. The Industrial Dispute has been raised in the concluding years of his service. The workman did not raise any dispute relating to the year of birth recorded as 1947. It is only after his superannuation that the Industrial Dispute has been raised in the year 2007. On a perusal of the written statement of the management, it appears from paragraph (7) that the union through their Chief Organising Secretary raised the dispute for the first time through a letter dated 20.08.2005, which is about two years prior to his retirement. It is a well settled law that the date of birth should be rectified at the earliest point of time and the workman should not be allowed to seek relief in respect of his date of birth at the end of his service. In the case of **Guddappa Ningappa Kolaji vs The Management Of Grasim Industries (WP No. 146666 of 2020)**, the Hon'ble High Court of Karnataka relying upon a decision of Hon'ble Supreme Court of India in the case of **Bharat Coking Coal Limited and Others Vs. Shyam Kishore Singh (AIR (2020) SC 940)** held that the employee cannot be permitted to seek change in date of birth after his retirement. In the present case, the workman did not raise any dispute to seek rectification in his year of birth/date of birth in the year 1997. He remained silent for eight years till 2005 and thereafter disputed his year of birth in the service record without being able to prove to the contrary. Under such circumstances, I hold that the claim of the union for rectification of the year of birth has no merit. It appears to me that management of ECL did not commit any illegality by considering the year of birth of Ch. Kalam Khan as 1947 or by his superannuation on the basis of such service record.

Hence,

ORDERED

The Industrial Dispute is dismissed on contest. Let an Award be drawn up on the basis of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 29 अक्टूबर, 2025

का.आ. 1900.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल कंपंचाट(एलसी/आर-41/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/10/2025 को प्राप्त हुआ था।

[सं. एल-22012/243/98-आई.आर.(सी. एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 29th October, 2025

S.O. 1900.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/41/1999**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on **24/10/2025**

[No. L-22012/243/98- IR (CM-II)]

SALONI, Dy. Director/Link Officer

ANNEXURE
BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 41 OF 1999

PARTIES: Ramanand Nonia
(represented by Ramrati Devi, widow of the workman)
Vs.
Management of Porascole Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.
For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal

STATE: West Bengal.

Dated: 29.08.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/243/98/IR(CM-II)** dated 04.05.1999 has been pleased to refer the following dispute between the employer, that is the Management of Porascole Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of Parascrole Colliery of Kajora Area of M/s. ECL in dismissing the services of Sh. Ramanand Nonia, Pump Khalasi is legal and justified? If not, to what relief is the workman is entitled? ”

1. On receiving Order **No. L-22012/243/98/IR(CM-II)** dated 04.05.1999 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 07.06.1999 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. Koyala Mazdoor Congress, representing the aggrieved workman filed written statement on 22.01.2002. The fact of the case in brief is that Ramanand Nonia was posted as Pump Khalasi at Porascole Colliery under Kajora Area of Eastern Coalfields Limited (hereinafter referred to as ECL), bearing U.M. No. 537427. Due to unauthorized absence from duty from 10.07.1994 a Charge Sheet was issued against the workman after seven (7) months. The workman did not receive any Charge Sheet nor any Notice of enquiry due to which he was unable to submit any reply. The workman being unaware about the domestic enquiry did not participate and the enquiry was held ex-parte against the workman. The management of ECL in utter violation of the principles of natural justice held a domestic enquiry against the workman and issued an order of dismissal behind his back. No second Show Cause Notice was issued to the workman and the order of dismissal passed against the workman is disproportionate for being absent from duty for only seven (7) months. The union in their written statement has prayed for setting aside the order of illegal dismissal and reinstatement of Ramanand Nonia along with payment of back wages and other consequential benefits.

3. Management filed their written statement on 26.03.2002. According to the management the concerned workman was posted as Pump Khalasi at Porascole Colliery of ECL. He remained absent from 10.07.1994 for more than ten (10) days without any intimation and a Charge Sheet dated 11.02.1995 was issued against him under Clause 17(i)(n) of the Model Standing Orders. The workman failed to submit any reply to the Charge Sheet as a result a domestic enquiry was held against him. The Enquiry Officer issued Notice of enquiry to the chargesheeted workman but the workman failed to appear in the enquiry proceeding. The enquiry was held ex-parte and the Enquiry Officer submitted his report holding the workman guilty. The Disciplinary Authority after careful consideration of the Charge Sheet, Enquiry Proceeding, Report of enquiry and other connected papers awarded punishment of dismissal of

Ramanand Nonia from service. It is the case of the management that a fair enquiry proceeding was held in a proper manner and the punishment awarded is proportionate to the nature of misconduct. Management urged that the Industrial Dispute is liable to be dismissed.

4. The point for consideration is whether the action of the management in dismissing Ramanand Nonia from service is justified, if not, to what relief the workman is entitled to.

5. During pendency of the proceeding Ramanand Nonia died on 25.12.2000. By order dated 17.09.2015, five legal heirs of Ramanand Nonia were substituted. Smt. Ramrati Devi, wife of Ramanand Nonia was examined as Workman Witness No. 1. She filed an affidavit-in-chief in support of her husband's case, stating therein that her husband could not attend his duty due to illness for which he was issued a Charge Sheet on 11.02.1995 for his absence from duty from 10.07.1994 to 10.02.1995. As Charge Sheet was not received by Ramanand Nonia, he could not submit any reply to the Charge Sheet and an ex-parte enquiry was conducted. In later part of her statement witness averred that her husband became ill due to hazardous condition of work. After recovery from illness, he reported for his duty but was not allowed by the management to join his duty and they issued an order of dismissal. It may be gathered from her affidavit-in-chief that the workman remained absent for seven months and claimed that for his absence only for six months order of dismissal should not be passed against him. The wife of the deceased workman stated that the order of dismissal of her husband is illegal and unjustified and the management should treat him in service till the date of his death and he should be paid all benefits under National Coal Wage Agreement and one dependent of her husband should be provided with employment. Furthermore, back wages should be paid for the period from the date of his dismissal till the date of his death, on 25.12.2000.

6. In course of cross-examination the workman witness stated that she had no paper to produce regarding treatment of her husband. She also could not state the nature of disease from which her husband was suffered.

7. Ganesh Nonia, Umesh Nonia, Suraj Nonia, the three sons and Manorama Devi, married daughter of Ramanand Nonia filed affidavit-in-chief and were cross-examined. Ganesh Nonia as well as Umesh Nonia were unable to state the nature of illness from which their father suffered during the period for his illness. Ganesh Nonia, Umesh Nonia, Suraj Nonia and Manorama Devi in their affidavit-in-chief stated that they authorized their mother, Ramrati Devi to represent the case and to receive all the benefits as per the order of the Hon'ble Court. None of these witnesses could state the nature of illness Ramanand Nonia suffered during the period of his absence. Cross-examinations of Suraj Nonia and Manorama Devi were declined by ECL.

8. Mr. Ashish Mohan, Senior Personnel Manager, Porascole Colliery, ECL was examined as Management Witness No. 1. He filed affidavit-in-chief, wherein it is stated that a Charge Sheet dated 11.02.1995 under Clause 17(i)(n) of the Model Standing Order was issued against the workman for his unauthorized absence from duty from 10.07.1994. The management witness stated that a domestic enquiry was held in respect of the Charge Sheet and Mr. D. P. Mukherjee was appointed as the Enquiry Officer. Two Notice of enquiry were issued to the workman. Since the workman failed to appear during enquiry, proceeding was conducted ex-parte and the charge was fully established. Enquiry Officer submitted his report and considering the gravity of misconduct an order was passed by the General Manager dismissing the workman on 17/20.06.1995. It is averred that the punishment imposed against the workman is justified. In course of evidence management has produced the following documents :

- (i) Copy of the Charge Sheet dated 11.02.1995 has been produced as Exhibit M-1.
- (ii) Copy of the Letter of appointment of the Enquiry Officer dated 21.03.1995, as Exhibit M-2.
- (iii) Copy of the Notice of enquiry dated 21.03.1995, as Exhibit M-3.
- (iv) Copy of the Notice of enquiry dated 07.04.1995, as Exhibit M-4.
- (v) Copy of the Enquiry Proceeding, as Exhibit M-5.
- (vi) Copy of the Attendance sheet of the workman for the year 1993, 1994 and 1995, as Exhibit M-6.
- (vii) Copy of the Note sheet prepared by the Agent, Porascole Colliery, proposing dismissal of Ramanand Nonia from service, as Exhibit M-7.
- (viii) Copy of the Letter of dismissal dated 17/20.06.1995, as Exhibit M-8.

9. During cross-examination the witness deposed that after enquiry, the Agent of the colliery proposed dismissal of the workman. The General Manager, Kajora Area decided the quantum of punishment by issuing an order of dismissal through his letter, marked as Exhibit M-8. The witness stated that the workman remained absent for about one (1) year without any information which amounted to serious misconduct.

10. Mr. Rakesh Kumar, union representative, arguing the case for dismissed workman submitted that the management has illegally dismissed the workman without serving copy of Charge Sheet and Notice of enquiry. The workman was deprived from participating and proving his case that he was suffering from illness. The union

representative further submitted that since the workman died on 25.12.2000 the order of dismissal may be set aside and the legal heirs of the workman be paid all legal dues and back wages of Ramanand Nonia.

11. Mr. P. K. Das, learned advocate for the management of ECL, in reply argued that the workman acted in an indiscipline manner by not informing the management about his absence from duty. His long and continuous absence for more than seven (7) months gave rise to a domestic enquiry and Charge Sheet as well as Notice of enquiry were sent to the postal address of Ramanand Nonia. The workman did not participate in the enquiry for which an ex-parte domestic enquiry was held and on the basis of findings the Disciplinary Authority dismissed the workman by letter dated 17/20.06.1995 (Exhibit M-8). It is urged that the order of dismissal is proportionate to the charge levelled against him. Learned advocate further argued that the workman was fully aware about his unauthorized absence and is not entitled to any relief.

12. I have considered the argument advanced on behalf of the union and management, the materials on record and facts and circumstances of this case. Undisputedly, Ramanand Nonia, a Pump Khalasi, posted at Porascole Colliery under Kajora Area of ECL, absented his duty from 10.07.1994 without information to the employer company. A Charge Sheet dated 11.02.1995 was issued after seven months. During these seven months the workman did not inform the Competent Authority about the reason of his absence nor did he turn up for resuming his duty. The witnesses produced by the union are none other than the widow, three sons and a married daughter of the chargesheeted workman, but none of them could disclose the nature of illness suffered by Ramanand Nonia and no document of medical treatment was produced. Unfortunately, the dismissed workman died on 25.12.2000, during pendency of the Industrial Dispute before this Tribunal. Neither the family members of the deceased nor the union could establish that the unauthorized absence of the workman from duty was beyond his control. Therefore, the facts and circumstances of the case do not establish that the dismissed workman is entitled to any benefit for his dismissal. On the other hand, the converse story of the management is that the Charge Sheet and Notice of enquiry were served upon the workman but the same cannot be accepted as there is no evidence of service of Charge Sheet or Notice of enquiry dated 21.03.1995 and 07.04.1995, which were said to have been issued by the Enquiry Officer. On a perusal of the Charge Sheet as well as Notice of enquiry I find that the same were addressed to Ramanand Nonia at Village: Chaitalakhan Bigha, PO: Oribisunpur, District: Gaya (Bihar). No postal receipt or A/D card has been produced in support of effective service of these documents upon the workman. The management has produced a copy of Enquiry Proceeding as Exhibit M-5. It appears from the Enquiry Proceeding that the Enquiry Officer did not record his satisfaction about service of Notice upon the charged employee before proceeding with the ex-parte hearing of the case. In the report it is stated that sufficient time and opportunity was extended to the workman to defend himself in the enquiry proceeding but he did not appear. The charged employee was found guilty for unauthorized absence and proposed to be dismissed from his service. No second Show Cause Notice was issued to the workman and order of dismissal was passed against him on 20.06.1995 for violation of Clause 17(i)(n) of the Model Standing Orders for continuous absence without permission for more than ten days. It appears to me that the enquiry proceeding was held without ensuring service of Charge Sheet and Notice of enquiry upon the workman. Thus, it is a clear violation of principles of natural justice. Had the workman not participated after receipt of the Notice, it would have been justified for the Enquiry Officer to hold the domestic enquiry ex-parte. In the instant case it cannot be said that the Enquiry Officer held a fair enquiry proceeding. It further appears that the copy of Enquiry Proceeding was not supplied to the workman and no second Show Cause Notice was issued to him for his response to the findings of the Enquiry Officer before the Disciplinary Authority passed the final order of dismissal from service. The action of the management appears to be contrary to the law laid down by the Hon'ble Supreme Court of India in the case of **Union of India and Others Vs. Mohd. Ramzan Khan [AIR (1991) SC 471]**. In the case cited above, it was held :

“ When the Inquiry Officer is not the Disciplinary Authority, the delinquent employee has a right to receive a copy of the inquiry officer's report before the Disciplinary Authority arrives at its conclusion with regard to the charges levelled against him. 9 :--

A denial of the inquiry officer's report before the Disciplinary Authority takes its decision on the charges, is denial of opportunity to the employee to prove his innocence and is a breach of principles of natural justice. ”

The management also did not take adequate care to comply the policy of the Coal India Limited issued through their Circular bearing No. CIL C-5A(vi)/50774/28 dated 12.05.1994, wherein it has been clearly laid down that the charged employee had to be supplied with Enquiry Proceeding and Enquiry Report and a 2nd Show Cause Notice had to be issued to him before taking any final decision of removing him from service. There is a clear non-compliance of the direction. In such view of the matter the order of dismissal against Ramanand Nonia is not tenable under the facts and circumstances of the case and for non-observance of principles of natural justice. I therefore, hold that the order dated 17/20.06.1995, dismissing Ramanand Nonia from service is arbitrary, illegal and liable to be set aside.

13. The concerned workman was continuously absented from service without any information for more than seven (7) months from 10.07.1994 till issuance of Charge Sheet on 11.02.1995. Since the workman did not participate in the enquiry it can be assumed that he remained absent from duty without information for much longer period. Long unauthorized absence of a workman speaks volume about his indiscipline nature which serves as a retrograde to the interest of the employer. Therefore, the workman having absented for a long period cannot be entitled to any back

wages. The workman died on 25.12.2000, therefore there is no scope for his reinstatement in service. The only relief which is appropriate in the instant case for illegal dismissal of the workman can be meted out by granting a lump sum compensation of Rs. 2,00,000/- (Rupees two lakhs only) to the widow / legal heirs of the deceased employee. The legal heirs are also entitled to consequential relief arising out of past service of the deceased workman.

Hence,

ORDERED

that Industrial Dispute is allowed on contest in part. The order dated 17/20.06.1995 issued by the General Manager, Karora Area of Eastern Coalfields Limited, dismissing Ramanand Nonia from service of the company on the charge under Clause 17(i)(n) of the Model Standing Orders is not sustainable and the same is set aside. The workman having expired on 25.12.2000, the management of Eastern Coalfields Limited is directed to pay a lump sum compensation of Rs. 2,00,000/- (Rupees two lakhs only) to the widow / legal heirs of the deceased employee for illegal termination of the workman. The management of Eastern Coalfields Limited is also directed to pay the dues of the deceased workman for his past service to the legal heirs. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 29 अक्टूबर, 2025

का.आ. 1901.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल केपंचाट(एलसी/आर-08/2023) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/10/2025 को प्राप्त हुआ था।

[सं. एल-22012/06/2023-आई.आर.(सी. एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 29th October, 2025

S.O. 1901.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/08/2023**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on **24/10/2025**

[No. L-22012/06/2023- IR (CM-II)]

SALONI, Dy. Director/Link Officer

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.**

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 08 OF 2023

PARTIES: Ashok Kumar Bahadur Nepali

Vs.

Management of Central Kajora Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.

For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal

STATE: West Bengal.

Dated: 20.08.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/06/2023-IR(CM-II)** dated 27.01.2023 has been pleased to refer the following dispute between the employer, that is the Management of Central Kajora Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

THE SCHEDULE

“ Whether the action of the management of Central Kajora Colliery, Kajora Area of M/s. E.C.Ltd. in dismissal from service to Sri Ashok Kumar Bahadur Nepali, Tyndal Zamadar (U. Man No.553656) vide order No. ECL/KA/APM/C-6/2019/10/3514 dated 07/12/2019 is proper, legal and justified? If not, what relief the workman concerned is entitled to and what directions are necessary to the management in this respect? ”

1. On receiving Order **No. L-22012/06/2023-IR(CM-II)** dated 27.01.2023 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 30.01.2023 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. Ashok Kumar Bahadur Nepali filed written statement on 29.03.2023 through Mr. Rakesh Kumar, President, Koyala Mazdoor Congress. Management of Eastern Coalfields Limited (hereinafter referred to as ECL) contested the claim by filing their written statement on the same date i.e., 29.03.2023. Fact of the case as disclosed in the written statement filed by the union is that Ashok Kumar Bahadur Nepali was posted as Tyndal Zamadar, bearing U.M. No. 553656 at Central Kajora Colliery under Kajora Area of ECL. He could not attend his duty from 10.06.2017 due to illness. After recovery he reported for his duty but the management of ECL did not allow him to join. The management instead issued a Charge Sheet bearing No. CKC/P&IR/C-6/2017/84 dated 10.07.2017. It is contended that the Charge Sheet and Notice of enquiry were not served upon the workman and the enquiry proceeding was held ex-parte, keeping the workman in the dark. The Enquiry Officer did not ensure service of Notice and concluded the enquiry proceeding without providing opportunity to the workman to representative his case. No second Show Cause Notice was served upon him and management dismissed him from service of the company by issuing letter No. ECL/KA/APM/C-6/2019/10/3514 dated 07.12.2019 which is illegal. Order of dismissal was not served upon the workman. Subsequently, when he learnt about the order of dismissal, he requested the management for considering his case and allow him to join. According to the workman he was absent from duty for only one month i.e., from 10.06.2017 to 10.07.2017 which was not under his control but the management imposed a disproportionate and harsh punishment of dismissal against him. It is claimed that the record of his past service was good and he was no a habitual absentee and the punishment of dismissal should not be awarded against him. The workman submitted a mercy petition before the management of ECL praying for allowing him to join duty but his appeal was not considered. Further case of the workman is that there was violation of natural justice and an extreme punishment of dismissal has been awarded. The workman has no source of income for his livelihood and also claimed that his attendance in the year 2014, 2015 and 2016 was good but in the year 2017 due to his illness he could not attend his duty. workman prayed for allowing him to join his duty with full back wages and consequential benefits.

3. Management contested the case assailing the claim of the workman. It is admitted that Ashok Kumar Bahadur Nepali was working as Tyndal Jamadar, a permanent employee at Central Kajora Colliery. As per record of the colliery the workman unauthorizedly was absent from duty from 10.06.2017, without any leave or information to the appropriate authority. He was chargesheeted for his unauthorized absence and habitual absence under Clause 26.23 and 26.29 of the Certified Standing Orders bearing Charge Sheet No. CKC/P&IR/C-6/2017/84 dated 10.07.2017. A domestic enquiry was initiated against the workman for his dereliction. Four Notice of enquiry were sent to his home address on 17.07.2017, 05.12.2017, 10.08.2018 and 19.09.2019 but the workman neither appeared before the Enquiry Officer nor did he send any information to the appropriate authority. The enquiry proceeding was conducted ex-parte on 23.10.2019. He was given full opportunity to defend. In course of the enquiry proceeding charges levelled against the workman was proved beyond doubt and subsequently a second Show Cause Notice was issued to him bearing No. ECL/CKC/P&IR/C-6/2019/2747 dated 14.11.2019. The workman did not submit any reply to the second Show Cause Notice. The General Manager considering the findings of the Enquiry Officer dismissed the workman from service by issuing a letter bearing No. ECL/KA/APM/C-6/2019/10/3514 dated 07.12.2019. Management contended that absenteeism is a serious offence as it hampers the work of the employer and also the production process. On previous occasion the workman was given opportunity to rectify him and due to his absence, a punishment was imposed against him whereby two annual increments of the workman were stopped with cumulative effect vide letter KA/PM/C-6/17(a)/3161 dated 21.03.2005. The management inter-alia claimed that the dismissed workman submitted an application dated 18.09.2020 for his reinstatement in service. He also submitted some documents relating to his medical treatment, purported to be issued from Central Hospital, Kalla.

On receipt of his medical documents the same were forwarded to the Chief Medical Officer, Central Hospital, Kalla for verification of their genuineness. The medical documents filed by Ashok Kumar Bahadur Nepali were verified by the Chief Medical Officer (Clinical), Central Hospital, Kalla and they were found to be false and it was communication to the office of the management vide letter ECL/CHK/Verification/2020/2662 dated 08.10.2020 that Ashok Kumar Bahadur Nepali committed fraud with the company by producing such manufactured document, as such the workman cannot be reinstated in the company. Management cited a decision of the Hon'ble High Court at Calcutta in the Charge Sheet of **Dayanand Paswan Vs. Coal India Limited and Others [W.P. No. 874 of 2014]**, which upheld the action of ECL in dismissing the workman concerned as justified. Management asserted that the punishment awarded against the workman is proportionate to the misconduct of unauthorized absence and prayed for dismissal of the Industrial Dispute.

4. The point for consideration in this case is whether dismissal of Ashok Kumar Bahadur Nepali from the service of ECL is proper, legal and justified. If not, what relief the workman is entitled to.

5. The union in support of their pleading examined Ashok Kumar Bahadur Nepali, the dismissed workman as Workman Witness No. 1 and filed his affidavit-in-chief. The following documents have been produced by the workman witness :

- (i) Copy of the Charge Sheet dated 10.07.2017 has been produced as Exhibit W-1.
- (ii) Copy of the Order of dismissal dated 07.12.2019, as Exhibit W-2.
- (iii) Copy of the Mercy Petition dated 18.09.2020 submitted by the workman before the Manager, Central Kajora Colliery, as Exhibit W-3.
- (iv) Copy of the letter dated 16.01.2023 issued by the Assistant Labour Commissioner (Central) and Conciliation Officer, Raniganj at Durgapur to the Secretary, the Government of India, informing about failure of conciliation, as Exhibit W-4.

6. In cross-examination of Workman Witness No. 1, on behalf of the management the workman deposed that he was unable to attend his duty as he was suffering from injury on his hip. He also received medical treatment at Central Hospital, Kalla for three to four months and could file his Health Card to show that he received medical treatment during the period of his absence. The workman stated that he submitted application on 18.09.2020 for his reinstatement i.e., long after his dismissal. The workman stated that he submitted his medical document before the company along with the application for reinstatement but he was not aware that those documents were sent to Central Hospital, Kalla for verification or after verification the documents were found to be fake. The witness denied the suggestion that the Charge Sheet, Notice of enquiry, second Show Cause Notice and Order of dismissal were served upon him. In course of his cross-examination the witness admitted that he did not submit any application before the management, informing about his illness or the reason for which he could not attend his duty. He denied the suggestion that he intentionally remained away from enquiry, for which the enquiry proceeding was held ex-parte.

7. Management examined Mr. Proloy Dasgupta as Management Witness No. 1 and filed affidavit-in-chief. In his examination-in-chief the witness produced the following documents :

- (i) Copy of the Charge Sheet dated 10.07.2017 has been produced as Exhibit M-1.
- (ii) Copy of the Notice of enquiry dated 17.07.2017, 05.12.2017, 10.08.2018 and 19.09.2019, as Exhibit M-2 (collectively).
- (iii) Copy of the clipping of Shilpanchal Newspaper dated 27.09.2019 where final Notice of enquiry dated 19.09.2019 was published, as Exhibit M-3.
- (iv) Copies of the Enquiry Proceeding dated 15.09.2017, 12.04.2018, 21.02.2019, 23.10.2019 are marked as Exhibit M-4,4/1,4/2 and 4/3.
- (v) Copy of the Enquiry Report dated 07.11.2019, as Exhibit M-5.
- (vi) Copy of the second Show Cause Notice dated 14.11.2019, as Exhibit M-6.
- (vii) Copy of the letter of dismissal dated 07.12.2019, as Exhibit M-7.
- (viii) Copy of the application dated 18.09.2020 submitted by the workman before the Manager, Central Kajora Colliery along with medical papers, as Exhibit W-8 (collectively in eleven pages).
- (ix) Copy of the letter dated 24/25.09.2020 issued by the Dy. Manager (P), Central Kajora Colliery addressed to the Chief Medical Officer, Central Hospital, Kalla for verification of medical treatment papers submitted by the workman has been marked as Exhibit M-9.
- (x) Copy of the letter dated 08.10.2020 issued by the Chief Medical Officer (Clinical), Central Hospital, Kalla addressed to the Dy. Manager (P), Central Kajora Colliery regarding genuineness of the treatment papers, as Exhibit M-10.

The witness deposed that the copy of Charge Sheet dated 10.07.2017 was issued to the workman but he had no document to show as to how Charge Sheet was served upon the workman. Notice of enquiry were issued to the workman on four occasions but no document could be produced to show that such Notice of enquiry were served upon the workman, nor could he state the mode of transmission of the same. It transpires from the examination of management witness that the final Notice dated 19.09.2019 was published in the Newspaper namely, Shilpanchal on 27.09.2019, copy of the same has been produced as Exhibit M-3. The workman did not participate in the enquiry proceeding held by Mr. Ashish Mohan, Enquiry Officer. In that enquiry Mr. T. K. Show was the Management Representative and copies of Enquiry Proceeding has been marked as Exhibit M-4 to M4/3. The Enquiry Report in this case has been marked as Exhibit M-5. The witness also identified a copy of second Show Cause Notice dated 14.11.2019 as Exhibit M-6. Once again, the witness deposed that he has no document show that the second Show Cause Notice was served upon the workman. It is gathered from his testimony that the workman was dismissed from his service w.e.f. 06.12.2019 on the basis letter of dismissal dated 07.12.2019, marked as Exhibit M-7. A copy of application dated 18.09.2020 accompanied with some medical documents submitted by Ashok Kumar Bahadur Nepali has been produced as Exhibit M-8. A Copy of the letter dated 24/25.09.2020 issued by the Dy. Manager (P), Central Kajora Colliery addressed to the Chief Medical Officer, Central Hospital, Kalla for verification of medical treatment papers submitted by the dismissed workman appeared to be issued by the Central Hospital, Kalla from 12.06.2017 to 18.09.2020 has been produced as Exhibit M-9. The witness deposed that the Chief Medical Officer (Clinical), Central Hospital, Kalla issued a letter to the Dy. Manager (P), Central Kajora Colliery dated 08.10.2020, informing that the treatment papers produced are totally false and no entries to that effect was found in the Central Hospital Kalla Admission Register. Copy of the reply is marked as Exhibit M-10. The witness deposed that the punishment of dismissal imposed for unauthorized and habitual absence upon the workman is proportionate to the misconduct and there is no illegality in dismissing the workman from service.

8. In course of cross-examination the union representative made no attempt to dislodge the evidence of the management witness that the medical documents submitted with the application for reinstatement dated 18.09.2020 were totally false as no entries are made in the hospital on those days. The union confronted the management witness on the point that the Charge Sheet and second Show Cause Notice were not served upon the workman and no document could be produced by the management to prove service of the same. The union refuted the dismissal of the workman by suggesting that the punishment of dismissal was disproportionate to the charge of unauthorized absence of one month.

9. Mr. Rakesh Kumar, Union representative advancing his argument on behalf of the dismissed workman submitted that the workman was unable to attend his duty only for one month i.e., from 10.06.2017 to 10.07.2017 due to his illness but the management without serving any Charge Sheet, Notice of enquiry and Second Show Cause Notice dismissed him from the service of the company on the basis of ex-parte enquiry proceeding. It is submitted that the workman was posted as Tyndal Jamadar and was an underground worker and he was required to perform hard physical labour. From the Charge Sheet it would appear that charge was levelled against him for unauthorized absence under Clause 26.29 and habitual absence under Clause 26.23 of the Certified Standing Orders. He attended duty on 226 days in the year 2014, 239 days in the year 2015 and 186 days in the year 2016. It is claimed that as an underground worker a person completes his continuous service in a year as soon as he completes 190 days. In the year 2017 till June, he had served for 81 days. Mr. Kumar argued that there is no reason to level a charge against him for habitual absence. The union representative further submitted that in the year 2005, two increments of his pay were reduced on the ground of unauthorized absence. It is argued that there has been violation of natural justice by holding ex-parte domestic enquiry against the workman, without ensuring service of Charge Sheet and Notice of enquiry upon him. It is submitted that on 18.09.2020 the workman after being informed about his dismissal from service submitted an application for his reinstatement and at the relevant time produced some supporting documents related to his illness which were said to have been verified by the management and declared as fake and false without examining the hospital authorities before this Tribunal. Mr. Rakesh Kumar, Union representative further argued that the medical documents were not under consideration of the Enquiry Officer and the Disciplinary Authority before passing the ex-parte order of dismissal against the workman. Therefore, such documents cannot be a matter of consideration in an Industrial Dispute which has been raised challenging the enquiry proceeding. Mr. Kumar submitted that the workman is going to cross his age of superannuation in July 2025 and he has been highly prejudiced due to his dismissal after rendering dedicated service for several years. It is urged that the order of dismissal is not maintainable as it violative of natural justice and the same is liable to be set aside and the workman should be allowed to receive his normal benefit arising out of long service under ECL.

10. Mr. P. K. Das, learned advocate for the management of ECL, refuting the claim of the union argued that the workman was chargesheeted for his long unauthorized and habitual absence. According to the management copy of Charge Sheet was sent to the workman at his postal address and four Notice of enquiry were also issued by the Enquiry Officer followed by a publication of such Notice in the local newspaper but the workman did not participate in the enquiry proceeding. It is argued that had the workman turned up after one month of his absence, he would have been aware that an enquiry proceeding was initiated against him but he was actually absent for more than one month due to which he has claimed to be absolutely unaware about several Notice of enquiry which were issued to him. The

First Notice of enquiry dated 17.07.2017 by which date of enquiry was fixed on 15.09.2017, second Notice of enquiry dated 05.12.2017 which fixed the date of enquiry as 12.04.2018, third Notice of enquiry dated 10.08.2018 which fixed the date of enquiry as 21.02.2019, and fourth and Final Notice of enquiry dated 19.09.2019 fixing the date of enquiry as 23.10.2019 (Exhibit M-2 series) were sent to the workman and a Notice of enquiry was published in the Shilpanchal Newspaper on 27.09.2019 (copy of publication was produced as Exhibit M-3). Learned advocate submitted that the workman did not appear on the basis of such Notice and the management was constrained to proceed ex-parte. Referring to the Enquiry Report (Exhibit M-5) learned advocate submitted that the Enquiry Officer found Ashok Kumar Bahadur Nepali, the chargesheeted employee guilty of misconduct in respect of the charge mentioned in the Charge Sheet. Learned advocate further referred to Exhibit M-6 and argued that a Second Show Cause Notice was issued to the workman, which was sent to him under registered post and on considering the Enquiry Proceeding and all other materials, the General Manager issued an order on 07.12.2019, dismissing the charged employee from the service of the company w.e.f. 06.12.2019. Learned advocate argued that the enquiry proceeding was held in proper manner, in consonance with the principles of natural justice and the workman is not entitled to any relief of reinstatement.

11. I have considered the argument advanced by the learned advocate and union representative in the backdrop of the facts and circumstances disclosed in the pleadings of the parties and evidence adduced by the workman and management witness. It is evident from the admission of the management witness that they were unable to produce any document to establish that the Charge Sheet and Notice of enquiry were served upon the workman at his home address under registered post or upon him in any manner. The management witness in cross-examination also admitted that he was unable to produce any document to show that the Charge Sheet was served upon the workman. It is crystal clear from the evidence that the workman did not have the opportunity to participate in the enquiry proceeding held by Mr. Ashish Mohan, Enquiry Officer. Mr. T. K. Show, the management representative was examined on 23.10.2019. During his examination the management representative stated that Ashok Kumar Bahadur Nepali worked for the last time on 09.06.2017 and thereafter absented from 10.06.2017 without any information on sanction of leave from the colliery authority. The management representative deposed that a copy of the Charge Sheet was sent to his home address through registered post but he did not reply to the Charge Sheet. There is no disclosure in the evidence of management that the Charge Sheet was actually served upon the workman or the same was returned unserved. No postal document has been produced by the management representative in support of his claim that the Charge Sheet was sent to the workman. On a close scrutiny of the Enquiry Report it is gathered that though the Charge Sheet was issued on 10.07.2017 the enquiry proceeding was concluded after two years. Had the workman returned for his duty after one month, he would have sufficient information about the Charge Sheet and Notice of enquiry issued for this purpose. It is a clear case where the charged employee was absent for more than two years and he could not deny having knowledge of the enquiry proceeding. On the other hand, the procedure adopted by the management is also vitiated due to absolute absence of service of Charge Sheet and Notice of enquiry upon the dismissed workman. The management has failed to prove that the second Show Cause Notice dated 14.11.2019 was served upon the workman. It is abundantly clear that the management did not comply the decision of the Hon'ble Supreme Court of India in the case of **Union of India and Others Vs. Mohd. Ramzan Khan [AIR (1991) SC 471]**, where the Hon'ble Apex court held that :

“ When the Inquiry Officer is not the Disciplinary Authority, the delinquent employee has a right to receive a copy of the inquiry officer's report before the Disciplinary Authority arrives at its conclusion with regard to the charges levelled against him. A denial of the inquiry officer's report before the Disciplinary Authority takes its decision on the charges, is denial of opportunity to the employee to prove his innocence and is a breach of principles of natural justice.”

Furthermore, it has not followed the mandate in the Circular of Coal India Limited bearing No. CIL C-5A(vi)/50774/28 dated 12.05.1994, wherein it has been clearly stated a 2nd Show Cause Notice along with Enquiry Proceeding and Enquiry Report had to be supplied to the chargesheeted employee and before imposing any punishment of dismissal from service the charged employee should be given an opportunity to submit his representation against the findings of the Enquiry Officer. In my considered view the dismissal of the workman loses its legitimacy on account of absence of prima facie and rudimentary evidence regarding service of Charge Sheet, Notice of enquiry and second Show Cause Notice upon the workman.

12. The workman after his dismissal on 17.12.2019 submitted a mercy petition dated 18.09.2020, enclosing several papers related to his medical treatment from 12.06.2017 to 18.09.2020. The mercy petition along with documents were collectively marked as Exhibit M-8. The medical documents consisting of tickets for outdoor patients of Central Hospital, Kalla, ECL and also bears signature and seal. The management witness in his affidavit-in-chief as well as in his examination-in-chief has stated that after receiving the letter from Ashok Kumar Bahadur Nepali on 18.09.2020 the treatment papers were sent for verification and the Chief Medical Officer (Clinical), Central Hospital, Kalla in his letter dated 08.10.2020 addressed to the Deputy Manager (Personnel), Central Kajora Colliery informed that the treatment papers produced were totally false as no entries were made in their OPD Register on those days. A copy of the reply dated 08.10.2020 has been admitted in evidence as Exhibit M-10. In the instant case the management has not produce the Chief Medical Officer (Clinical), Central Hospital, Kalla who has opined in his

letter dated 08.10.2020 that the treatment papers are totally false. The dismissed workman and the union representing him did not have the opportunity to cross-examination the Chief Medical Officer (Clinical), Central Hospital, Kalla on his opinion about the documents produced by the workman. Besides, the documents were filed by the workman after the enquiry proceeding was complete. Therefore, at this juncture the mercy petition as well as the accompanying documents serve no purpose and have significance in determining the question as to whether the enquiry proceeding was conducted in a proper manner or not. I therefore, hold that the contention of the management that the workman produced false documents along with his mercy petition has no relevance and serves no purpose in determining the legality of the enquiry proceeding.

13. In the case of **State Bank of Patiala and Others Vs. S. K. Sharma [(1996) 3 SCC 364]** it was held that :

- “ (1) *An order passed imposing a punishment on an employee consequent upon a disciplinary / departmental enquiry in violation of the rules / regulations / statutory provisions governing such enquiries should not be set aside automatically. The Court or the Tribunal should enquire whether (a) the provision violated is of a substantive nature or (b) whether it is procedural in character.*
- (2) *A substantive provision has normally to be complied with as explained hereinbefore and the theory of substantial compliance or the test of prejudice would not be applicable in such a case.*
- (3) *In the case of violation of a procedural provision, the position is this: procedural provisions are generally meant for affording a reasonable and adequate opportunity to the delinquent officer / employee. They are, generally speaking, conceived in his interest. Violation of any and every procedural provision cannot be said to automatically vitiate the enquiry held or order passed except cases falling under 'no notice', 'no opportunity' and 'no hearing' categories, the complaint of violation of procedural provision should be examined from the point of view of prejudice, viz., whether such violation has prejudiced the delinquent officer / employee in defending himself properly and effectively. If it is found that he has been so prejudiced, appropriate orders have to be made to repair and remedy the prejudicate, including setting aside the enquiry and/or the order of punishment. If no prejudice is established to have resulted therefrom, it is obvious, no interference is called for.”*

14. It appears to me that this is a case where the charged employee has been prejudiced due to violation of procedural provision, where the entire enquiry proceeding was conducted without service of Charge Sheet, Notice of enquiry and Second Show Cause Notice. The facts and circumstances of the case clearly reveal that the enquiry proceeding was held in violation of principles of natural justice without ensuring service of Charge Sheet and any Notice upon the workman. The workman therefore hold a genuine grievance that he did not have reasonable opportunity to represent his case. The management further faulted due to non-service of second Show Cause Notice upon the workman before issuing the final order of dismissal. In such view of matter the order of dismissal of the workman bearing No. ECL/KA/APM/C-6/2019/10/3514 dated 07.12.2019 issued by the General Manager, Kajora Area is found arbitrary, untenable and the same is liable to be set aside. Mr. Rakesh Kumar, Union representative submitted that the workman has already crossed the age of superannuation in July 2025, therefore, he is not entitled to be reinstated in service. I also find that though the enquiry proceeding and the order of dismissal is not found legally tenable due to its inherent defects discussed earlier, the lapses on the part of the workman who has admittedly absented from duty of the company from 10.06.2017 remained unexplained. Workman did not report to the management till conclusion of the enquiry proceeding in October 2019. A workman who is not sincere in his duty cannot be entitled to back wages for the period of his long absence for more than two years. However, bearing in mind that the workman had rendered service to the company for several years, he shall be entitled only to his normal benefits like Provident Fund, Gratuity and other consequential dues for the past service. The Industrial Dispute is accordingly decided in part, in favour of the workman.

Hence,

ORDERED

that the Industrial Dispute is allowed in part, on contest. The order of dismissal bearing No. ECL/KA/APM/C-6/2019/10/3514 dated 07.12.2019 issued by the General Manager, dismissing the workman from service w.e.f. 06.12.2019 is not tenable and the same is set aside. The workman having attained the age of superannuation in July 2025, shall only be entitled to his normal benefits like Provident Fund, Gratuity and other consequential dues, arising out of his past service and not to any back wages. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 29 अक्टूबर, 2025

का.आ. 1902.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट(एलसी/आर-24/2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/10/2025 को प्राप्त हुआ था।

[सं. एल-22012/52/2022-आई.आर.(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 29th October, 2025

S.O. 1902.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/24/2022**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on **24/10/2025**

[No. L-22012/52/2022- IR (CM-II)]

SALONI, Dy. Director/Link Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 24 OF 2022

PARTIES: Rupchand Kora

Vs.
Management of Nabo Kajora Colliery, Kajora Area of M/s. ECL

REPRESENTATIVES:

For the Workman: Mr. Milan Kumar Bandyopadhyay, Advocate
For the Management of ECL: Mr. P.K. Das, Advocate
INDUSTRY: Coal.
STATE: West Bengal.
Dated: 19.09.2025

AWARD

On failure of conciliation proceeding, the Government of India through the Ministry of Labour, in exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), vide its Order **No. L-22012/52/2022-IR(CM-II)** dated 27.05.2022 has been pleased to refer the scheduled dispute between the employer, that is the Management of Nabo Kajora Colliery of Eastern Coalfields Limited (hereinafter referred as ECL) and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Nabo Kajora Colliery, Kajora Area of M/s. E.C.Ltd. for non-reinstatement in service of Sri Rupchand Kora, Ex- U.G Trammer, U.M.No. 129604, who was terminated from his services by the said management vide letter No. ECL/KA/APM/C-6/2019/10/1785 dated 18/22-06-2019, is justified or not? If not, what relief the workman is entitled to? ”

1. On receiving Order **No. L-22012/52/2022-IR(CM-II)** dated 27.05.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 24 of 2022** was registered on 31.05/01.07.2022 and an order was passed for issuing notice to the parties through registered post, directing them to

appear and submit their written statements along with relevant documents and a list of witnesses in support of their claims.

2. Mr. Niren Chandra Das, President of Bharatiya Mazdoor Sangh representing Rupchand Kora filed written statement on behalf of the union on 30.08.2022. The fact of the case which unfolds from the written statement of the union is that Rupchand Kora was posted as UG Trammer, bearing U.M. No. 129604, at Naba Kajora Colliery, Kajora Area under ECL. The workman was chargesheeted on 18.07.2018 for his unauthorized absence from duty from 13.09.2017 to 17.07.2018 and for habitual absence. Copy of chargesheet was served upon the workman and he replied to the same. The management not being satisfied with the reply initiated a domestic enquiry. The workman participated in the enquiry proceeding but he was not allowed to have the assistance of any co-worker and to produce defense witness. The union alleged that it was a sham proceeding and signatures of the workman were obtained on the printed papers without explaining the contents to him. The workman suffered stoppage of six annual increments on earlier occasion. After completion of enquiry, a second Show Cause Notice was issued to him on 04.02.2019. The workman having been found guilty of charge submitted his explanation to the second Show Cause Notice on 23.02.2019. Without considering the submission, the General Manager, Kajora Area dismissed the workman from service by issuing a letter dated 18/22.06.2019 and the copy of letter was served upon him by the Agent on 25.06.2019. According to the union, Rupchand Kora is the only earning member of the family and is facing extreme financial crisis. He preferred an appeal before the Director (Personnel) in July 2020 praying for his reinstatement but management did not consider his appeal. In the written statement, the union has prayed for reinstatement of the workman and payment of full back wages by setting aside the order of termination.

3. The management of ECL contested the Industrial Dispute by filing written statement on 27.01.2023. Details apart, management's case is that Rupchand Kora absented from his duty on 13.09.2017 without any information or permission of the competent authority. It is further case of the management that the workman is a habitual absentee and his past attendance before issuance of chargesheet was bad. Out of 305 normal working days, the workman attended 76 days of work in 2014, 40 days in 2015, 30 days in 2016, 17 days in 2017 and Nil in the year 2018. According to the management, absenteeism is a serious misconduct as it hampers the work of the employer and the production process. It is urged that management cannot be expected to maintain the name of a defaulting workman in the roll of the company for an indefinite period. Referring to various decisions of the Hon'ble Supreme Court of India, it is contended that habitual absenteeism means gross violation of discipline and it establishes lack of interest of the employee in the work. Further contention of the management is that the petitioner acted in a very casual and cavalier manner. He did not take his duty seriously in disciplined manner. By such a long unauthorized absence, the workman actually deserted his job without sufficient reason. It is urged that the action of the management in dismissing the workman is just and proper. The industrial dispute raised has no merit and the instant case is liable to be dismissed.

4. The question for adjudication is whether the action of the management in not reinstating Rupchand Kora in service after his termination is justified?

5. It appears to me that the question of non-reinstatement has overshadowed the actual issue regarding propriety of the Enquiry Proceedings and the decision of the management in dismissing the workman on the charge of unauthorized and habitual absence. In order to substantiate the case of workman, union has examined Rupchand Kora as WW-1. In his affidavit-in-chief. The workman admitted receipt of chargesheet dated 18.07.2018 for unauthorized absence from 13.09.2017. He further stated that the management did not consider the explanation submitted by him along with medical papers. There is no mention of his participation in the Enquiry Proceedings. However, the workman stated that second Show Cause Notice was issued to him on 04.02.2019 and he submitted his explanation on 23.02.2019. It is averred that he was illegally dismissed from service on 25.06.2019. There is no whisper in the affidavit as to why the workman was absent for 10 months and what prevented him from informing the management about his compulsions for remaining absent from duty without information. In his examination-in-chief, the workman produced the following documents:

- (i) Copy of chargesheet dated 18.07.2018 is produced as Exhibit W-1.
- (ii) Copy of reply against chargesheet is produced as Exhibit W-2.
- (iii) Copy of Enquiry Proceedings in seven pages is produced as Exhibit W-3.
- (iv) Copy of second Show Cause Notice is produced as Exhibit W-4.
- (v) Copy of reply to second Show Cause Notice is produced as Exhibit W-5.
- (vi) Copy of letter issued by General Manager dated 22.06.2019 dismissing him from service is produced as Exhibit W-6.
- (vii) Copy of letter of communication by Agent dated 25.06.2019 is produced as Exhibit W-7.

In cross-examination, the witness admitted that on previous occasions he was found guilty for his unauthorized absence from duty. No penalty was imposed against him. He further deposed that during his absence, he underwent medical treatment under a private practitioner but failed to file any prescription in support of his illness. The witness

was unable to give out the name of the doctor who treated him. In his examination-in-chief, the witness disclosed that he suffered from tuberculosis during his absence and denied that he did not submit documents relating to medical treatment before the management.

6. Mr. Ramjee Tripathi has been examined as MW-1. He filed an affidavit-in-chief in support of the management's case stating therein that chargesheet was issued against the workman under clause 26.23 of the certified standing order for habitual absence from duty without sufficient reason and under clause 26.29 for unauthorized absence for more than 10 days without sanctioned leave. In the affidavit, the management witness stated that the workman submitted his reply but the reply was not found satisfactory, as such a domestic enquiry was held by the Enquiry Officer duly appointed by the Appointing Authority. Notice of enquiry was duly issued to the workman who participated in the enquiry and he was given reasonable opportunity to defend his case. The Enquiry Officer after conclusion of Enquiry Proceedings submitted his Enquiry Report before the Appointing Authority, holding that the charge was fully established against the workman. The evidence disclose that second Show Cause Notice was issued and after observing the principles of natural justice, the workman was dismissed from his service. During his examination-in-chief, the management witness produced the following documents:

- (i) Copy of death chargesheet dated 18.07.2018 is produced as Exhibit M-1.
- (ii) Copy of reply submitted by workman is produced as Exhibit M-2.
- (iii) Copies of two notices of enquiry dated 25.10.2018 and 20.12.2018 are produced as Exhibit M-3 and Exhibit M-4 respectively.
- (iv) Copy of Enquiry Proceedings along with report and finding is produced collectively as Exhibit M-5.
- (v) Copy of second Show Cause Notice is produced as Exhibit M-6.
- (vi) Copy of reply to second Show Cause Notice is produced as Exhibit M-7.
- (vii) Copy of order of dismissal issued by General Manager dated 18/22.06.2019 is produced as Exhibit M-8.

In his cross-examination, the management witness deposed that during enquiry, the workman did not state that he was suffering from tuberculosis. No suggestion was put to the management witness that documents relating to the medical treatment of the workman were produced before the Enquiry Officer or that they were not considered.

7. Mr. Milan Kumar Bandyopadhyay, learned advocate appearing for the dismissed workman argued that the workman was absent from duty as he was suffering from tuberculosis. Medical documents were submitted before the management but the same was not considered, as a result a disproportionate punishment was imposed upon the workman for no fault of his. It is also argued that the workman was not allowed to take any help from any co-worker to defend his case which violated the principles of natural justice. Mr. Bandyopadhyay urged that the order of dismissal issued by the General Manager is arbitrary and illegal and same is liable to be set aside. It is urged that the workman should be reinstated in the service with full back wages and consequential benefits.

8. Mr. P.K. Das, learned advocate in his reply for the management of ECL argued that the workman is a habitual absentee and on previous occasions between 2014 and 2016, six chargesheets were issued against him. Warning letters were issued and on three occasions, his increments were stopped with cumulative effect. The workman did not rectify his conduct and on the last occasion, he unauthorizedly remained absent for more than ten months without sufficient grounds. The workman failed to establish that he was suffering from any illness. It is argued that chargesheet was issued against the workman and he participated in the Enquiry Proceedings and availed the opportunity to produce evidence in his support of his defence but as he failed to make out any cogent ground for his long absence, management has been compelled to dismiss him from his service for disruption of work caused by him. It is argued that there is no reason for any interference with the dismissal and the punishment awarded to him is just and fair.

9. I have perused the pleadings of the parties, evidence adduced and documents produced by the management as well as the dismissed workman. Having considered the arguments advanced by the respective parties, it is quite clear that the workman has admitted his unauthorized absence from 13.09.2017 to 18.07.2018, as well as his previous unauthorized absence on a number of occasions when he was found guilty. In this reference, the point for consideration is whether non-reinstatement of the workman after his termination is justified? The workman in a roundabout manner has challenged the order of dismissal and if non-reinstatement is justified. At this juncture, it is necessary to examine whether the procedure adopted by the management is consistent with the principles of natural justice or the dismissal of the workman was an arbitrary act. After issuance of chargesheet on 18.07.2018 (Exhibit W-1), the workman submitted his reply on 01.11.2018 (Exhibit W-2). On perusal of reply, it appears that the workman disclosed about his suffering from tuberculosis due to which he was unable to attend his duty. In the written statement of the union there is no reference to any medical treatment received by him. No document relating to his medical treatment was submitted. A simple claim of suffering from illness without supporting evidence cannot be a ground for prolonged absence. The Enquiry Proceedings started from 25.12.2018. The contents of the charge were

stated in Bengali to the workman which he understood he was also given opportunity to take assistance of a co-worker or representative of trade union but the workman declined. The workman in course of his examination accepted the charge levelled against him. Management witnesses were examined, who supported the charge of previous punishment meted out to the workman for his habitual absence in past and also his unauthorized absence from 13.07.2019. It also appears from the evidence that six chargesheet were issued to him from 05.06.2014 to 17.12.2016 and three warning letters were issued from 10.06.2013 to 05.11.2015. It appears from the Enquiry Proceedings that the employee admitted the charge and submitted that he was suffering from tuberculosis since 13.07.2019 and was under treatment of Dr. B.D. Ghosh due to which he was unable to send any information to the Colliery management or attend his duty. No document is produced in support of his statement of undergoing medical treatment from 13.07.2019. The workman was admitted that he did not send any information to the Colliery management regarding his absence. It is beyond contemplation that a person suffering from ailment for ten months could not be able to inform his place of work about his inability to attend duty. In his report, the Enquiry Officer stated that the charge sheeted employee and the management representative participated in the enquiry and the principles of natural justice were followed providing opportunities to the concerned employee to defend himself. The workman was found guilty of charge and the report of enquiry was submitted before the Manager of the Colliery. A second Show Cause Notice was issued to the workman by the Agent, Naba Kajora Colliery on 04.02.2019 and a copy of Enquiry Proceedings was furnished to the workman for submitting his explanation within 15 days. The workman submitted his explanation which has been produced as Exhibit W-5. The Disciplinary Authority finally issued an order of dismissal of the workman dated 18/22.06.2019 (Exhibit W-6) citing the reasons. I find that the workman having absented for such a long period was unable to justify his absence, coupled with the facts that proper medical documents were not produced by him. The approach of the charged employee was very cavalier and casual in nature. Several opportunities were given to him on earlier occasions but he did not rectify himself and disrupted the work process of the management. Under such circumstances, I do not find any reason to interfere with the order of dismissal of the workman. Accordingly, non-reinstatement of workman after his dismissal does not suffer from any illegality. I find no merit in the Industrial Dispute and the same merits dismissal.

Hence,

ORDERED

The Industrial Dispute is dismissed on contest against the union. Rupchand Kora is not entitled to any relief in this case. Let an Award be drawn up on the basis of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 29 अक्टूबर, 2025

का.आ. 1903.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट(एलसी/आर-16/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/10/2025 को प्राप्त हुआ था।

[सं. एल-22012/98/2019-आई.आर.(सी. एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 29th October, 2025

S.O. 1903.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. LC/R/16/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on **24/10/2025**.

[No. L-22012/98/2015- IR (CM-II)]

SALONI, Dy. Director/Link Officer

ANNEXURE
BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,
 Presiding Officer,
 C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 16 OF 2020

PARTIES: Khiru Bhuia
 (dependent son of Late Lakhan Bhuia)
Vs.
 Management of Bahula Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Basudev Choudhury, Advocate.
 For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 16.09.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/98/2019-IR(CM-II)** dated 20.02.2020 has been pleased to refer the following dispute between the employer, that is the Management of Bahula Colliery under Kenda Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the demand raised by the United Koila Mazdoor Sangh (U.T.U.C.) for providing employment on compassionate ground to Sh. Khiru Bhuia dependent son of Late Lakhan Bhuia, Ex-employee of Bahula Colliery, Kenda Area, M/s. E.C.Ltd. who expired on 21-02-1999 while in service, by the management of M/s. Eastern Coalfields Ltd. is justified? If so, what relief Sh. Khiru Bhuia dependent son of Late Lakhan Bhuia is entitled to and to what extent? ”

1. On receiving Order **No. L-22012/98/2019-IR(CM-II)** dated 20.02.2020 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 25.02.2020 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. General Secretary, United Koila Mazdoor Sangh (UTUC), filed written statement on 14.02.2023 on behalf of Khiru Bhuia, dependent son of Lakhan Bhuia, ex-employee of Bahula Colliery under Kenda Area of Eastern Coalfields Limited (hereinafter referred to as ECL). Facts of the case as disclosed in the written statement is that Lakhan Bhuia was working as a Depot Trimmer bearing U.M. No. 522242 at Bahula Colliery. He died in harness on 21.02.1999 at Central Hospital, Kalla, ECL, leaving behind Fulwanti Devi his wife and Khiru Bhuia his dependent son. On 10.08.2000, Khiru Bhuia, the son submitted an application before the management of ECL, praying for providing him employment under the employer company as per provisions of Clause 9.3.2 of National Coal Wage Agreement (hereinafter referred to as NCWA). On 31.08.2000 management of ECL refused to provide employment on the pretext that the application for employment was not submitted within six months from the date of death of the employee and in the instant case there has been delay of one year and six months in submitting the application.

3. The dependent son made several representations for providing him employment. The management of ECL thereafter held screening on 06.10.2010 and Initial Medical Examination (hereinafter referred to as IME) of Khiru Bhuia at ECL Hospital. After observing the above formalities, management kept quiet without any communication to Khiru Bhuia. United Koila Mazdoor Sangh, representing the deceased employee raised an Industrial Dispute before the Assistant Labour Commissioner (C), Asansol and a case bearing No. 1(72)/2018 was initiated. The management of ECL refused to provide employment only on the ground that the application, seeking employment was made after passing of one year and six months. On failure of conciliation before the Assistant Labour Commissioner (C), Asansol, the Central Government has referred this dispute to this Tribunal for adjudication. The concerned union in their written statement has claimed for providing employment of the dependent son as per provision of NCWA applicable to the employer company and their employees.

4. Management of Bahula Colliery, Kenda Area contested the Industrial Dispute by filing their written statement on the same date i.e., 14.02.2023. The main contention of the employer company is that after the death of Lakhan Bhuia on 21.02.1999, his son Khiru Bhuia applied for employment after lapse of one year and nine months from the date of death of his father. The claimant was directed to appear before the Apex Medical Board and his IME was held on 14.02.2002 where his age was assessed as 17 to 22 years as on 14.02.2002. The date of birth of the dependent son was accordingly calculated as 11.08.1982 and it was found that his age was below 17 years at the time of death of his father. Therefore, the claim for employment could not be processed by the management. It is asserted

that the action of the management is totally justified in not providing employment to the dependent son and he is not entitled to any relief in this case.

5. Point for consideration is whether Khiru Bhuia, the dependent son of Lakhan Bhuiya is entitled to any employment under ECL as per provisions of NCWA.

6. Khiru Bhuia has been examined as Workman Witness No. 1. He has filed his affidavit-in-chief on 20.09.2023. In the affidavit-in-chief the witness stated that he claimed for employment on 10.08.2000 after passage of one year and six months. He appeared before the Screening Committee on 06.10.2010. Since the management did not inform him about the IME Report, he filed an application under Right to Information Act, 2005 on 14.01.2020 but the management did not provide him any information. The witness asserted that his claim for employment is just and valid and as per the existing rules of ECL. During his evidence he produced the following documents in support of his case :

- (i) Copy of letter dated 31.08.2000 issued by the Personnel Manager, Bahula Colliery, addressed to Khiru Bhuia, rejecting his claim for employment on the ground of delay has been produced as Exhibit W-1.
- (ii) Copy of letter dated 06.12.2001 issued by the Personnel Manager, Bahula Colliery, addressed to Khiru Bhuia, for submission of some documents, as Exhibit W-2.
- (iii) Copy of letter dated 04.10.2010 of the Personnel Manager, Bahula Colliery to Khiru Bhuia for his appearance before the Screening Committee on 06.10.2010, as Exhibit W-3.
- (iv) Copy of the Memorandum of Settlement dated 22.05.2007, as Exhibit W-4 (formal proof dispensed with).

7. In course of cross-examination the witness stated that he was referred for his medical examination on two occasions. Initially, the medical examination was held at the Area Office and thereafter by the Apex Medical Board. Witness deposed that on 14.02.2002 his age was assessed as 17 to 22 years. The medical report dated 14.02.2002 has been admitted as Exhibit M-1. The witness denied that he is not entitled to employment as the dependent of his deceased father.

8. Management examined Mr. Rakesh Kumar Basant as Management Witness No. 1. In his affidavit-in-chief the witness stated that on medical examination by the IME Board on 14.02.2002, the age of the claimant was assessed as 17 to 22 years as on 14.02.2002 and on the date of death of Lakhan Bhuiya the age of the claimant was sixteen years and six months. As the dependent was less than seventeen years of age on the date of death his father the claim for employment of the minor was not considered as per the provisions of NCWA. During his evidence the management witness produced the following documents :

- (i) Copy of the application of Khiru Bhuia, seeking employment has been produced as Exhibit M-1.
- (ii) Copy of the Application Form for employment of Khiru Bhuia in prescribed form of the management, as Exhibit M-2.
- (iii) Copy of the Note Sheet dated 06.10.2010 of the Screening Committee, recommending employment to the dependent son, as Exhibit M-3.
- (iv) Copy of the letter dated 04.10.2010 issued by the Personnel Manager, Bahula Colliery addressed to Khiru Bhuia for his appearance before the Screening Committee on 06.10.2010, as Exhibit M-4.
- (v) Copy of the IME Report dated 14.02.2002, as Exhibit M-5.
- (vi) Copy of the letter dated 22.11.2010 issued by the Personnel Manager (I/C), Kenda Area addressed to the Personnel Manager, Bahula Colliery, regarding some irregularities in the employment proposal of Khiru Bhuia, as Exhibit M-6.

Witness fairly admitted that no communication was made to Khiru Bhuia regarding the fate of his claim for employment.

9. In course of cross-examination the witness denied that the dependent of the workman is entitled to get employment as per provisions of NCWA.

10. Mr. Basudev Choudhury, learned advocate for the union argued that according to the provisions of Clause 9.3.2 of NCWA-VI, one dependent of the workman who dies while in service is entitled to employment. According to Clause 9.3.4 of NCWA-VI, the male dependent to be considered for employment should be physically fit and suitable for employment and he should not be more than thirty-five (35) years of age at the time of submitting his claim for employment. Learned advocate argued that there is no dispute that Lakhan Bhuiya, the father of Khiru Bhuia died in harness on 21.02.1999. The dependent son on attaining majority submitted the application for his employment on 10.08.2000 i.e., one year and six months from the date of death of his father. Learned advocate referring to Exhibit W-1, a letter dated 31.08.2000 issued by the Personnel Manager, Bahula Colliery addressed to Khiru Bhuia wherein it is stated that the application for employment dated 10.08.2000 is a belated claim and could not be entertained, argued that under NCWA there is no specific time period for a dependent to lay his claim for employment. At the time of death of Lakhan Bhuiya, Khiru Bhuia was a minor and the employee having expired at Central Hospital, Kalla, owned and controlled by the management, the employer company was duty bound to maintain the name of the minor son in the Live Roster and to provide him employment on his attaining majority. In the instant case the management

to the contrary is bent upon to deny the claim of the dependent son by disputing that the application claiming employment was submitted at a belated stage and argued that such contention has no foundation. Learned advocate pointed out that IME of Khiru Bhuia was held on 14.02.2002 (Exhibit M-5) and after a long delay of more than eight (8) years, Khiru Bhuia was referred before the Area Screening Committee on 06.10.2010 (Exhibit M-4). Therefore, the management of ECL cannot be allowed to refuse employment to the dependent son when he was found physically fit for his employment.

11. Mr. P. K. Das, learned advocate for the management argued that the dependent son of the workman is not entitled to employment as he submitted his application for employment after long delay of one and a half years (1½ years). In reply to the argument of learned advocate for the workman that there is no specific time period for submitting application for employment, Mr. Das failed to give any satisfactory answer and to the contended that there is a Circular of the Personnel Department of ECL that the application should be submitted within six months from the date of death of the workman. It is argued that the Industrial Dispute has no merit and is liable to be dismissed.

12. I have carefully considered the pleadings of the parties, assessed the evidence adduced and argument advanced on behalf of both parties. The admitted fact of this case is that Khiru Bhuia is the dependent son of Lakhan Bhuiya, an employee of ECL who died in harness on 21.02.1999. In course of evidence the management produced an application for employment submitted by Khiru Bhuia, received on 08.11.2000 by the management. From the pleadings of the management, it appears that the application was submitted one year and nine months after the date of death of the workman. Union has produced a copy of Memorandum of Settlement under Section 12(3) of the Industrial Disputes Act, 1947, executed before the Regional Labour Commissioner (C), Asansol on 22.05.2007 wherein in Point No. 2 the management agreed to clear all those employment cases prior to 01.07.1996 without any time bar and for cases received after 01.07.1996, the existing time limit of one year shall be continued, but the management contended that they will approach the ECL Board in the next Board meeting for waiver of time limit for consideration of employment to the dependent as no time bar exists in the NCWA. From the contents of Memorandum of Settlement in Point No. 2 it may be derived that there is no time limit for consideration of claims for employment in the NCWA. In the case of **Sukumoni Hembram alias Sukumoni Mejhan Vs. Union of India and Others [MAT 27 of 2024]** the Hon'ble High Court at Calcutta observed :

“ NCWA is a negotiated agreement that has been arrived at between the employer and the employees. It is a settlement under section 2 (p) of the Industrial Disputes Act, 1947 and has binding effect on the parties thereto under section 18 (3) of the Act of 1947. NCWA has made provisions for compassionate appointment for the dependents of the deceased employee. ”

Clause 9.3.2 of NCWA-VI provides that employment would be provided to one dependent of the workman who dies while in service. Furthermore, Clause 9.3.4 provides that the dependents to be considered for employment should be physically fit and suitable for employment and their age should not be more than thirty-five (35) years provided that the age limit for a female spouse would be forty-five (45) years as given in Clause 9.5.0. Though there is no indication in the NCWA as to the date of reckoning the age of dependent for considering him for the purpose of employment, a Circular has been issued by the management of ECL bearing No. CIL/C-5B/JBCCI/9.4.3/163 dated 25.07.2003 wherein it has been laid down that the age on the date of submitting the application would be reckoned for offering employment on compassionate ground. In the instant case the dependent son submitted his application for employment on 08.11.2000. At the time of holding medical examination by the IME Board on 14.02.2002 the age of Khiru Bhuia was assessed as 17 to 22 years (Exhibit M-5). Therefore, his age was nineteen years and six months on the date of assessment and he was well within the eligible age limit for employment. It is found that the minor son has attained majority at the time of submitting his application for employment on 08.11.2000, as his age was assessed as nineteen years and six months on 14.02.2002. I find from the Note Sheet dated 06.10.2010 (Exhibit M-3) that the Screening Committee found the case of Khiru Bhuia in order and recommended for employment of the dependent son. On 22.11.2010 the Personnel Manager (I/C), Kenda Area issued a letter addressed to the Personnel Manager, Bahula Colliery (Exhibit M-6), informing that the sureties in the Indemnity Bond and Declaration in respect of employment of the dependent son of Lakhan Bhuiya had less than five years of service left and sought for fresh Indemnity Bond and Declaration. I do not find any justification for management in delaying the matter in granting employment to the dependent son for such a long time on such flimsy ground which speaks volume about the object of the management in frustrating the claim for employment of the dependent. In course of medical examination, the IME Board in Column No. 9 on Page No. 2 of the report found that Khiru Bhuia was mentally and physically sound, capable of bearing fatigue and exposure, fit to work under Coal India Limited and no disqualification for appointment was found. Having considered the attending fact and circumstances, evidence on record and the provisions of NCWA I hold that there is no time frame under NCWA for submitting application claiming employment for dependent of the deceased employee. Khiru Bhuia, the dependent son has satisfied all the conditions for grant of employment by the management of ECL. The Industrial Dispute is therefore allowed in favour of the union.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest against the management of Bahula Colliery under Kenda Area of Eastern Coalfields Limited. The management of Eastern Coalfields Limited is directed to provide employment to Khiru Bhuia, the dependent son of the deceased employee Lakhan Bhuiya, within two (2) months

from the date of communication of the Award after completing necessary formalities. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 29 अक्टूबर, 2025

का.आ. 1904.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार आद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट(एलसी/आर-04/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/10/2025 को प्राप्त हुआ था।

[सं. एल-22012/107/2019-आई.आर.(सी. एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 29th October, 2025

S.O. 1904.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/04/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on **24/10/2025**.

[No. L-22012/107/2019- IR (CM-II)]

SALONI, Dy. Director/Link Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 04 OF 2020

PARTIES: Mantu Shaw
Vs.
Management of Patmohana Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: None.
For the Management of ECL: Mr. P. K. Das, Advocate.
INDUSTRY: Coal.
STATE: West Bengal.
Dated: 19.09.2025.

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/107/2019-IR(CM-II)** dated 30.01.2020 has been pleased to refer the following dispute between the employer, that is the Management of Patmohana Colliery under Sodepur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of General Manager, Sodepur Area of Eastern Coalfields Ltd, P.O. Sunderchak, Distt, Burdwan (West Bengal) in removal of Shri Mantu Show, U.G. Loader from service vide letter No. PD/C-6/16/36/1715 dated 25/26-10-2016 is appropriate and justified under the principles of natural justice? If not, to what relief the workman concerned is entitled to? ”

1. On receiving Order **No. L-22012/107/2019-IR(CM-II)** dated 30.01.2020 from the Government of India,

Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 10.02.2020 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. The case is fixed up today for evidence. Mantu Shaw, the dismissed workman is found absent on call. No step has been taken by the Colliery Mazdoor Sabha of India. Mr. P. K. Das, learned advocate for Eastern Coalfields Limited is present. It appears from the record that though the case is fixed up today for evidence of both parties, in default evidence is to be closed and the case is to be disposed of, no step has been taken. The case is fixed up for the seventeenth time but the union as well as the dismissed workman preferred to remain absent.

3. After registration of the case, Notice under registered post was issued to parties. The management filed their written statement on 23.11.2022 and the workman filed his written statement on 14.02.2023. The case was thereafter fixed for evidence. No evidence has been adduced by the workman. Management has shown readiness to adduce evidence by filing affidavit-in-chief of the witness along with documents. Since the workman is disinclined to proceed with the case, the Industrial Dispute is dismissed for default.

Hence,

ORDERED

that the Industrial Dispute is dismissed for default. Let an Award be drawn up on the basis of above observation. Let copies of Award be communicated to the Ministry for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer,

नई दिल्ली, 29 अक्टूबर, 2025

का.आ. 1905.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **बैंक ऑफ बड़ोदा** के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 धनबाद के पंचाट (01/2018) प्रकाशित करती है।

[सं. एल-22011/56/2017-आई.आर.(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 29th October, 2025

S.O. 1905.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.01/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No. 1,Dhanbad* as shown in the Annexure, in the industrial dispute between the management of **Bank of Baroda** their workmen.

[No. L-22011/56/2017- IR (B-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD

In the matter of reference U/S 10 (1) (d)& (2A) of I.D.Act. 1947.

Reference Case No. 01/2018

Parties:

Employers in relation to the management of Bank of Baroda

Bistupur, Jamshedpur, East Singhbhum

AND

Their Workmen

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri R.R. Prasad, Ld. Advocate.

For the workmen :- Sri D.K. Verma, Ld. Advocate

State : Jharkhand.

Industry:-Bank

Dated 13/10/2025

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Government Of India through the Ministry of Labour, vide its Order No.L-12011/56/2017 (IR(B-II)) dated 26/12/2017 has been pleased to refer the following dispute between the employer i.e. management of Bank of Baroda, Bistupur, Jamshedpur and their workman through Vice Chairman, Jharkhand Pradesh Bank Employees Association, Bistupur, Jamshedpur, East Singhbhum for adjudication by this Tribunal:

SCHEDULE

“Whether Shri Chattu Ram, the ex-employee of the bank of Baroda is entitled to receive Encashment of Leave upon his discharge from service as punishment under order Discharge from Bank’s service with superannuation benefits i.e., pension and/or Provident Fund and Gratuity as would be due otherwise under the Rule or Regulations prevailing at the relevant time and without disqualification from future employment?”

2. The case of the workman as per the statement of claim is that the workman concerned namely Chhatu Ram was working as Clerk at Burma mines Branch of Bank of Baroda having unblemished record of service. The management initiated disciplinary proceeding against the workman and illegally suspended him w.e.f. 08.07.2013 and after holding ex-parte enquiry vide order dated 02.05.2015 imposed the punishment of discharge from bank service with superannuation benefits i.e. pension and/or provident fund and gratuity as would be due otherwise under the rules or regulations prevailing at the relevant time and without disqualification from the future employment. Accordingly the management paid pension, provident fund and gratuity to the workman but illegally withheld the payment of leave encashment due to him of 240 days. As per rule the workman concerned was entitled to receive wages of 240 days at the time of his superannuation at the rate of last drawn wages according to terms of bipartite settlement. IBA has categorically advised the bankers vide their circular no. PD/CIR/76/528/586 dated 11.08.1998 that if the management discharges his employee, in term of settlement Bank has to provide leave encashment whatever the leave is due during his working period in the Bank. the workman concerned submitted application for payment of leave encashment to the management but the management deliberately and illegally not paid the leave encashment to the workman concerned. As such finding no alternative the union raised an industrial dispute before the Assistant Labour Commissioner (C), Chaibasa. Due to adamant attitude of the management, the conciliation proceeding ended in failure and thereafter considering the merit of the case the Government of India, Ministry of Labour vide notification no. L-12011/56/2017-IR(B-2) dated 26.12.2017 referred the said dispute for adjudication to this Tribunal with following schedule:-

“Whether Shri Chattu Ram, the ex-employee of the bank of Baroda is entitled to receive Encashment of Leave upon his discharge from service as punishment under order Discharge from Bank’s service with superannuation benefits i.e., pension and/or Provident Fund and Gratuity as would be due otherwise under the Rule or Regulations prevailing at the relevant time and without disqualification from future employment?”

From the plain reading of punishment order the workman concerned is entitled for all termination benefits like pension, leave encashment and gratuity. It is not out of place to mention that the disciplinary authority has the competence to inflict punishment of removal from the service with a condition that such removal from service shall not in any way result in forfeiture and pensionary benefits to which the workman concerned is otherwise entitled. Once the disciplinary authority inflicted punishment of removal with pensionary benefit, the management has got no legal right to withheld leave encashment of the workman concerned and at last it was prayed to hold that Sri Chattu Ram, Ex-employee of the Bank of Baroda is entitled to receive encashment of leave upon his discharge from service as punishment under order of discharge from Bank service with superannuation benefits i.e. pension and/or provident fund and gratuity as would be due otherwise under the Rule or Regulations prevailing at the relevant time and without disqualification from future employment and further be please to direct the management to pay him leave encashment of 240 days with compound interest.

3. On the other hand the case of the management as per the written statement cum rejoinder filed on 06.02.2019 is that Sri Chhattu Ram, the concerned workman was employee of Burma Mines Branch, Bank of Baroda working as Clerk having E C No. 41424, the then Head Cashier. During the employment while working as Head Cashier during the period of 28.05.2013 to 10.06.2013 at Burma Mines Branch of Bank of Baroda, Bistupur, Jamshedpur, committed serious misconduct utterly in violation of duty, breach of trust reposed in Bank’s employee. In banking business, absolute devotion, diligence, integrity and honesty are needed to be preserved by every Bank employee, so that confidence of Public/Depositors is not impaired. It has further been stated that the charge sheet was issued against Sri Chhattu Ram vide No. RO/JR/VIG./27/222 dated 24.10.2013 and he was asked for explanation statement to the charge sheet (In terms of Clause 7 of the Memoranda of Settlement on Disciplinary Action and Procedure therefore for workmen.. 2002). The Dy. General Manager & Disciplinary Authority appointed Enquiry Officer to conduct the enquiry to the above charge sheet duly served to the charge sheeted workman and date notified for commencement of the enquiry proceedings and he was also allowed to defend himself by a Representative of a Registered Trade Union and functioning in this Bank and he was to produce relevant evidence and witnesses and given reasonable opportunities to defend in accordance with the terms/provisions of Memorandum of Settlement dated 10.04.2002. The Disciplinary Enquiry was initiated and proceeded in presence of the Presenting Officer, Witnesses, Charge sheeted workman and his representative were asked to cross-examine the witnesses but he replied that he has already

submitted his contention and acceptance of all the charges leveled against him on 01.11.2013. The enquiry was concluded on 14.11.2013 and subsequently the enquiry report was submitted by the Enquiry Officer to Disciplinary Authority. It was further decided to conduct the DE NOVO enquiry against the charge sheeted workman and dates fixed on 29.04.2014, 22.05.2014, 07.06.2014, 21.06.2014 and 27.06.2014 but the charge sheeted workman neither presented himself nor his representative appeared and lastly enquiry was concluded Ex-Parte. The Disciplinary Authority supplied the copies of Enquiry Proceedings, Report of enquiry to Sri Chhattu Ram, the charge sheeted workman for the purpose of providing opportunity to submit appeal prior to the imposition of punishment and at last the Disciplinary Authority passed order after considering in totality on the basis of charges leveled and proved and imposed the penalty of “Discharge from Bank’s Service with superannuation benefits i.e. pension, Provident Fund and Gratuity as would be due otherwise under the Rule or Regulations prevailing at the relevant time and without disqualification from future employment.” Accordingly the Bank Management has paid pension, Provident Fund and Gratuity to the concerned workman as per the provisions of Memorandum of Settlement dated 10.04.2002 and Clause 15 of Bipartite Settlement dated 31.10.1979. In all other termination cases no encashment of leave is allowed. By way of rejoinder it is submitted that the contents of the Paragraph 1 of the W/S of the workman is true and correct to some extent that he was working as Clerk at Burma Mines Branch of Bank of Baroda but he has committed serious violation of duty, breach of trust reposed in him by the Bank, knowingly and willingly violated the Bank guidelines and established procedures and damaged the image of the Bank in the public eye and not discharged duty with honesty and integrity. The contents of Para-2 and 3 of the W/S are based on records and admitted without prejudice. The concerned workman is not entitled for payment of leave encashment in terms of clause 7 of the Memoranda of Settlement on Disciplinary Action & Procedure, 2002. He has been imposed the penalty of discharge from Bank service with superannuation. The contents of Para-4 of the W/S are matter of record based on documents to establish the claim if any applicable under the Rule or Regulations prevailing at the relevant time and at last it was prayed to adjudicate that the demand of concerned workman is not legal, proper and justified and he is not entitled to any further relief.

4. The workman has also filed rejoinder dated 07.03.2019 to the W/S of the management stating therein that the statement of Paragraph-1 of the W/S is correct but the statement of Para- 2 to 6 of the W/S is not relevant. The Statement of Para-7 of the W/S is matter of record. The Statement of Para-8 of W/S is not correct. It is relevant to mention that the disciplinary authority imposed the penalty of discharge from Bank services with superannuation benefits i.e. pension and/or provident fund and gratuity as would be due otherwise under the rule or regulations. In the punishment order it is specifically mentioned that the workman is entitled to all the benefits that he is entitled at the time of superannuation. An employee is entitled to receive leave encashment on his superannuation and at last it was prayed to hold that the workman is entitled to receive leave encashment of 240 days with compound interest.

5. In support of his case the workman has examined WW-1, Chhattu Ram (the workman himself).

6. By way of documentary evidence he has adduced the following documents:-

Exhibit W-1 – Application dated 23.08.2016 submitted by the workman for payment of P.L. encashment.

Exhibit W-2 – Rejection letter dated 01.09.2016.

Exhibit W-3 – Discharge order dated 02.05.2015.

Exhibit W-4 Series – Copy of Circular dated 23.12.2015 issued by the Indian Banks’ Association as well as Photo copy of the Judgment of the Hon’ble Supreme Court.

Exhibit W-5 – Photo copy of Circular dated 30.07.2016.

7. On the other hand in support of his case, the management has examined MW-1, Shashi Ranjan Srivastava.

8. By way of documentary evidence the management has adduced the following documents:-

Exhibit M-1 – Circular of the Bank of Baroda dated 30.07.2016.

Exhibit M-2 – Charge sheet dated 24.10.2013.

Exhibit M-3 – Discharge order dated 02.05.2015.

Exhibit M-4 – Copy of Bipartite Settlement dated 10.04.2002.

Exhibit M-5 – Bank Circular dated 01.04.2017.

Exhibit M-6 – Circular No. 21011/08/2013-Estt (AL), Government of India, Ministry of Personnel Public Grievances and Pensions.

9. Heard both sides and perused the materials on record.

10. The Ld. Counsel for the workman has submitted that the concerned workman was working as Clerk at Burma Mines Branch of Bank of Baroda but the management discharged him vide order dated 02.05.2015 with all superannuation benefits i.e. pension and/or provident fund and gratuity as would be due otherwise under the rules or regulation prevailing at the relevant time and without disqualification from future employment and accordingly the workman was paid pension, provident fund and gratuity but his leave encashment of 240 days was illegally withheld by the management, whereas he is entitled to the same as per clause 9 of bipartite settlement dated 29.06.1990. His claim was rejected by the management on 01.09.2016 and therefore he has raised an industrial dispute but the same also ended in failure and ultimately the dispute was referred to this Tribunal. He has further submitted that the Hon’ble Supreme Court has also allowed the Leave Encashment benefits in the case reported in (2014) 2 SCC 715 and at last prayed to hold that he is entitled to receive leave encashment of 240 days and direct the management for payment of the same with interest.

11. On the other hand the Ld. Counsel for the management has submitted that the concerned workman

Chhattu Ram was working as Head Clerk in Bank of Baroda Burma Mines Branch and he was discharged from his service of the bank due to serious misconduct and as per the discharge order he has already been paid pension, provident fund and gratuity but he is not entitled to the leave encashment as per the Circular of the Bank of Baroda dated 30.07.2016 and therefore his claim was rejected by the management. He is not at all entitled for the same and prayed to hold that he is not entitled to the benefits of leave encashment.

12. **Issue**

Whether Shri Chhattu Ram, the ex-employee of the bank of Baroda is entitled to receive Encashment of Leave upon his discharge from service as punishment under order Discharge from Bank's service with superannuation benefits i.e., pension and/or provident fund and Gratuity as would be due otherwise under the Rule or Regulations prevailing at the relevant time and without disqualification from future employment?

13. To prove his case the workman Chhattu Ram has examined himself as WW-1 and in his examination in chief he has stated that he was working as Head Cashier at Burma mines Branch of Bank of Baroda at Jamshedpur and on 25.06.2025 he was discharged from bank by the order of D.G.M, Jamshedpur and in his discharge order it was mentioned that he would get all the superannuation benefits. He received Pension, Gratuity and Provident Fund but he was not paid 240 days earned leave encashment which is also included in superannuation benefit. He had submitted an application for the payment of earned leave encashment but he has not received any reply of the same from Bank. In the cross examination he has admitted that he had not filed any appeal against the order dated 20.05.2015 of the Disciplinary Authority. He has also admitted that in the Disciplinary Authority report nothing has been mentioned about the payment of earned leave encashment and he has denied that he is not entitled for leave encashment as he was dismissed from the service.

14. In addition to the oral evidence the workman has also adduced the documentary evidence out of which Exhibit W-1 is the letter dated 23.08.2016 written by the workman Chhattu Ram to the Assistant General Manager of Bank of Baroda, Bistupur, Jamshedpur in which he has referred his earlier letter dated 09.08.2016 that he had submitted for payment of P.L. Encashment and has requested that as per the rules he has got all other benefits except P.L. Encashment and six month salary as an additional benefits for which he is also entitled. Exhibit W-2 is letter dated 01.09.2016 written by the Assistant General Manager to the workman Chhattu Ram regarding his application for privilege leave encashment and he has informed that he has been discharged from Bank service with superannuation benefits i.e. Pension and/or Provident Fund and Gratuity as would be due otherwise under the Rules or Regulations prevailing at the relevant time and without disqualification from future employment vide order dated 02.05.2015 and he is not eligible for Encashment of Leave as per Circular No. BCC:BR:108:343 dated 30.07.2016. Exhibit W-3 is the discharge order dated 02.05.2015 containing detailed allegations, enquiry proceedings and order in which it has been mentioned "Accordingly, in exercise of powers, conferred upon me by the said Memoranda of Settlement on Disciplinary Action and Procedure for workmen 2002, I hereby impose the penalty of Discharge from Bank's service with superannuation benefits i.e. Pension and/or Provident Fund and Gratuity as would be due otherwise under the Rules or Regulations prevailing at the relevant time and without disqualification from future employment." It appears that in the enquiry proceedings the charges were found proved and ultimately considering the case in totality the penalty of discharge from Bank service was imposed on the workman Chhattu Ram. Exhibit W-4 Series is the photo copy of Circular issued by Indian Bank's Association for implementation of the order and judgment of the Hon'ble Supreme Court passed in case of Bank of Baroda Vs. S.K. Kool. In this circular it has also been mentioned that the Indian Banks Association is also of the view that employees who are imposed with punishment of "removal", "compulsory retirement" and "Discharge" as per Clause 6 (b) (c) and (d) of Settlement dated 10.04.2002, are to be considered with superannuation benefits, i.e. Pension and/or PF and Gratuity as would be due otherwise under the Rules or Regulations. Exhibit W-5 is the photo copy of Circular dated 30.07.2016 issued by the General Manager (HRM) Bank of Baroda and on its perusal it is evident that it is in relation to encashment of leave on compulsory retirement and it has been mentioned that all employees who were compulsory retired under the Regulation 4 of Bank of Baroda Officer Employees (Discipline & Appeal), Regulation 1976, during the period 27.11.2000 to 29.04.2015 shall be eligible for encashment of leave not exceeding 240 days of Privilege Leave to Employees that had accumulated.

15. Now, as regards the evidence adduced from the side of the management, to prove his case the management has examined MW-1 Shashi Ranjan Srivastava, Senior Branch Manager at Bank of Baroda Burma Mines Branch, Jamshedpur and he has stated in his examination- in- chief that the workman of this case Chhattu Ram was posted as Head Cashier at his Branch and he was charged of not depositing the money deposited by the customers in their account on the same date and besides that he used to keep the blank voucher signed by the customer with him and there were excess money in his drawer for which he was charge sheeted and after enquiry he was discharged from the bank service on 02.05.2015 and thereafter he was paid pension, gratuity and provident fund but there being no provisions for the payment of leave encashment as per bank circular, he was not paid the same. He has submitted the bank circular dated 30.07.2016 regarding the leave encashment (Exhibit M-1) and further deposed that he was not under the purview of the said circular, so he was not made payment of leave encashment. In the cross-examination he has admitted that he has no personal knowledge regarding the charges against the workman Chhattu Ram.

16. As regards the documentary evidence adduced from the side of the management, Exhibit M-1 is the Circular dated 30.07.2016 of the Bank of Baroda which is regarding encashment of leave on compulsory retirement and on its perusal it transpires that all employees who were compulsory retired under the Regulation 4 of Bank of Baroda

Officer Employees (Discipline & Appeal), Regulation 1976, during the period 27.11.2000 to 29.04.2015, shall be eligible for encashment of leave not exceeding 240 days of Privilege Leave to Employees that had accumulated. Exhibit M-2 is the charge sheet dated 24.10.2013 issued against the workman Chattu Ram in terms of Clause 7 of the Memoranda of Settlement on Disciplinary Action & Procedure therefor for workmen 2002 and on its perusal it transpires that as many as 8 allegations has been imputed against the workman. Exhibit M-3 is the discharge order dated 02.05.2015 containing detailed allegations, enquiry proceedings and order in which it has been mentioned “Accordingly, in exercise of powers, conferred upon me by the said Memoranda of Settlement on Disciplinary Action and Procedure for workmen 2002, I hereby impose the penalty of Discharge from Bank’s service with superannuation benefits i.e. Pension and/or Provident Fund and Gratuity as would be due otherwise under the Rules or Regulations prevailing at the relevant time and without disqualification from future employment.” It appears that in the enquiry proceedings the charges were found proved and ultimately considering the case in totality the penalty of discharge from Bank service was imposed on the workman Chattu Ram. Exhibit M-4 is Bipartite Settlement dated 10.04.2002 between Indian Banks Association and AIBEA – NCBE – INBEF for disciplinary action and procedure there for. Exhibit M-5 is letter dated 01.04.2017 written to Assistant General Manager, Bank of Baroda, Jamshedpur by Dy. General Manager (HR Operations) in relation to provisions of leave encashment on termination of service and on its perusal it is evident that the circumstances under which the encashment of leave is allowed to an Award Staff, the case of discharged employee from service with superannuation benefits has not been given. Exhibit M-6 is the Rules regarding General entitlement of leave, leave encashment with LTC and leave encashment on suspension/dismissal/removal in which it has been mentioned that the government servant who is dismissed/removal from service, ceases to have any claim to leave at his credit from the date of such dismissal as per rule 9(1). Hence he is not entitled to any leave encashment.

17. The main issue in this case is that as per the workman when he has been paid pension, provident fund and gratuity as per the order of discharge which says that he is discharged from Bank service with superannuation benefits, he is also entitled to the leave encashment because the leave encashment is also included in the superannuation benefits whereas the management says that the workman was discharged from Bank service on 02.05.2015 for which there is no provisions, rule or regulations to provide him leave encashment benefits.

18. In this regard the Hon’ble Bombay High Court has held in case of **Dattaram Atmaram Sawant Vs. Vidharbha Konkarn Gramin Bank reported in 2024 SCC OnLine Bom 1253** that the refusal by the Respondent - Bank to extend the benefit of encashment of privilege leave is arbitrary and cannot be sustained. Leave encashment is akin to salary and considered the employee's property, and depriving a person of his property without any valid statutory provisions would violate Article 300A of the Constitution of India. Leave encashment paid on account of unutilized leave is not a bounty. If an employee has earned it and he has chosen to accumulate his earned leave to his credit, then encashment becomes his right.

The Hon’ble Supreme Court of India in case of **Bank of Baroda vs. S.K. Kool (D), Through Legal Representatives and another** reported in (2014) 2 SCC 715 has been pleased to hold that the clerk who was working with the Bank of Baroda and was removed from service after departmental enquiry with superannuation benefits as would be due otherwise and without disqualification from future employment whose prayer for leave encashment that was declined by Bank of Baroda, is entitled for leave encashment.

19. Considering the above materials on record as well as authorities cited above this Tribunal is of the opinion that the leave encashment benefits is included in superannuation benefits that has been allowed by the management and incorporated in the discharge order itself and when pension, provident fund and gratuity was allowed, the management has no right to withhold the leave encashment of the workman which is not bounty but right of the workman and accordingly it is held that the workman Chattu Ram is entitled to receive encashment of leave also upon his discharge from service and at the same time the management is directed to calculate the amount of leave encashment payable to the workman along with interest @ 6% P.A and pay the same within 2 months from the date of publication of this Award.

Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer